



CALIFORNIA CENTER FOR JUDICIAL EDUCATION AND RESEARCH
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Introduction

This Faculty Development Handbook is dedicated to you, the many judicial officers and court administrators and staff who serve as CJER faculty during more than 400 classroom days per year. CJER's commitment to faculty development reflects not only a belief that "the behavior of the teacher probably influences the character of the learning climate more than any single factor. . . .,"¹ it underscores our hope that you find your teaching experience rewarding as a learning experience.

This handbook endeavors to assist CJER faculty to become both better teachers and better learners, for, "to teach is to learn twice." Although the handbook is designed to supplement live faculty development programs, there are at least three ways to use it for self-study: 1) read it from cover to cover (even the most experienced teacher will probably pick up a point or two), 2) obtain a copy of the condensed version and use this version as a reference, or 3) read only the "Hot Tips" sections set forth on some pages (these summarize the main points).

We thank you for agreeing to participate in CJER's tradition of excellence in judicial branch education and for your commitment of time and effort for the benefit of your colleagues, the California courts, and, ultimately, the people whom we serve.

¹ Knowles, Malcolm S.; *The Modern Practice of Adult Education*, 41 (New York: 1970).

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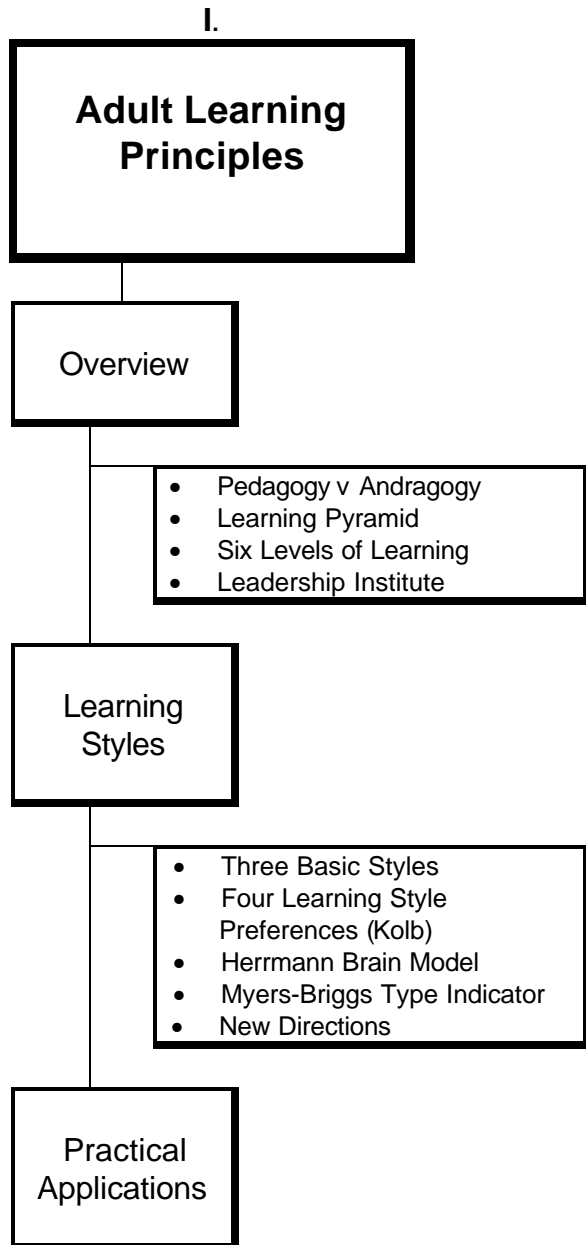
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I. Adult Learning Principles

Historically, it was believed that an adult's cognitive development, or capacity to learn, reached a plateau by the age of 25, and then sharply declined. The current view is that while cognitive development is neither predictable, age-specific, nor linear in progression, adults retain the capacity to learn well into old age. Similarly, professional development was seen in the past as a brief process of acquiring, memorizing, and reciting information, most commonly during young adulthood. Professional development is now viewed as a life-long task, not separate from the rest of life's experience. Indeed, participation in stimulating intellectual activity may be the best way to maintain mental vitality.

If “good theory = good practice” and “good practice = good theory,” why learn about adult learning principles? Because it explains the principles behind what works best and the reasons why CJER planning committees and staff ask faculty to do certain things. Offered below is a condensed version of various elements of adult learning theory. We suggest that the “best” teachers blend these theories in their practice.

A. Overview

1. There are currently two basic models for classroom learning—the traditional, instructor-centered, “pedagogical” learning model and the more recent learner-centered, “andragogical” model. Andragogy is a set of assumptions created by Malcolm Knowles (1970) that address the way adults learn. Pedagogy refers to the style most commonly used when educating children. These concepts may vary in their application depending on the learner, the topic, and the learning objectives.

Although there are numerous differences between the instructor- and learner-centered models (see chart, next page) there are also similarities, most notably:

Similarities Between Instructor- and Learner-Centered Models

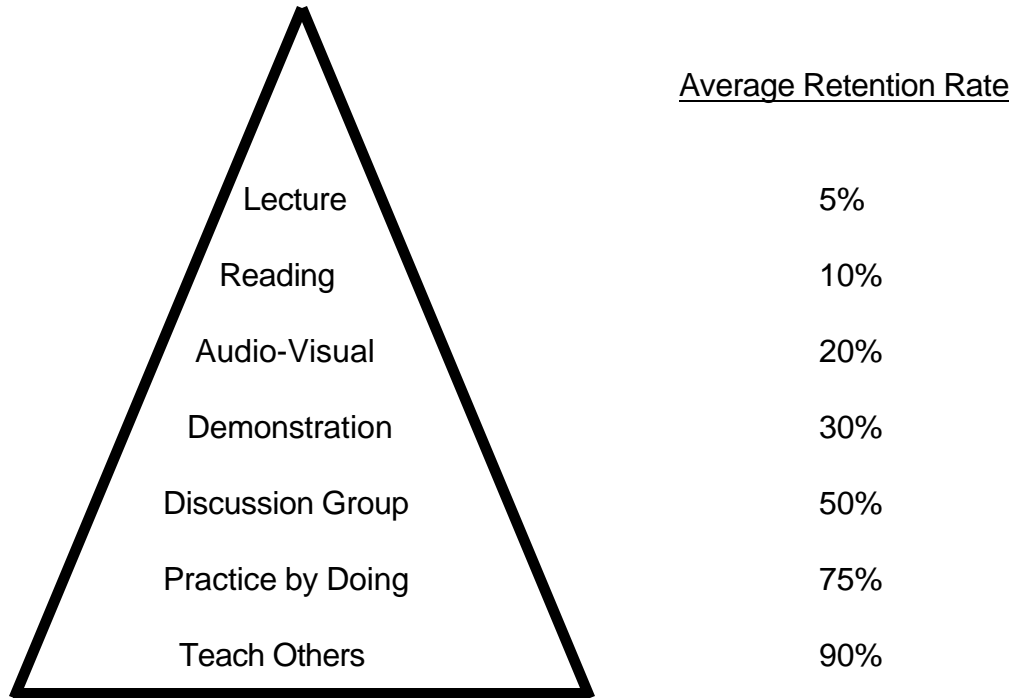
- Involvement of several senses (sight, sound, touch, etc.) reinforces learning and memory retention.
- Learning a skill is enhanced by doing it.
- Accuracy in completing tasks is increased by knowing what is expected.
- Learning is enhanced when the learner's relationship with the teacher is based on mutual respect and the learning environment is inclusive.

	Differences	
	Instructor-centered (pedagogy)	Learner-centered (andragogy)
Goals/content	Instructor directs content of learning activity	Set by learner needs, self-directed
Sequence	Uniform curriculum based on age of learner	Flexible
Methods	Instructor-centered → “What I think you need to know”	Varied → interactive → draws on participant resources and experiences
Motivation	Learning occurs when society states that it is time to learn (age of learner)	Readiness based on need to cope with life tasks, goal oriented, tends to engage in educational activities before, during, and after life transitions
Application	Future oriented, delayed use	Present/practical/concrete/use to solve real problems
Learner Contribution	Passive, receiver, dependent, acceptance	Active, contributor, independent, questioning, less acceptance of authority
Learner Attributes	More flexible, less distracted by physical discomfort, shorter attention span, life experience of little use in learning situation	More resistant to change, more distracted by physical discomfort, responds better to uninterrupted time periods (with stretch breaks), has well-established attitudes, habits, tastes, life experience forms foundation for understanding new information
Evaluation	Instructor evaluates	Joint evaluation

The key distinguishing characteristic of adult learners is experience. This explains why adult learners can contribute to the learning process, know what they need to know, and are often motivated to learn in order to solve real, concrete problems.

2. Research shows that there is a direct relationship between the teaching methods used and the level of information retained by adult learners. Instructor-centered approaches are more appropriate for foundation level learning while learner-centered approaches facilitate critical thinking and complex learning.

a. Learning Pyramid




National Training Laboratories, Bethel, Maine

- b. Tell me and I will hear
Show me and I will remember
Let me do and I will understand.
Chinese Proverb
- c. The best way to learn something is to teach it.
CJER motto

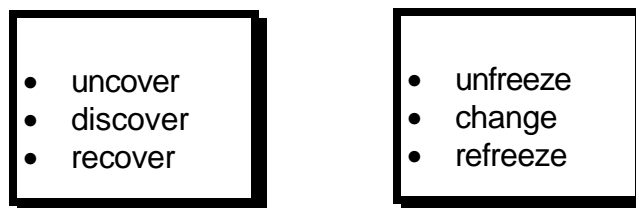
3. Bloom's Taxonomy

Bloom's taxonomy identifies six levels of learning, each of which requires a higher level of complex thinking than the one before it, and each of which corresponds to various learning styles, teaching methodologies, and course objectives, discussed elsewhere in this handbook. The higher levels require more time to accomplish and each level normally requires the foundation of the level(s) beneath it.

- 
- f. **EVALUATION:** Learners make judgments of right or wrong, good or bad, based on substantiating criteria or data; learners assess, compare, critique, judge, justify, verify.
 - e. **SYNTHESIS:** Learners bring together knowledge to develop new ideas; learners invent, problem-solve, create, categorize, compile, design, modify, plan, organize, propose.
 - d. **ANALYSIS:** Learners examine a complex whole by taking it apart and analyzing separate elements; learners categorize, arrange, develop, illustrate, outline, question, test, distinguish, and differentiate concepts.
 - c. **APPLICATION:** Learners practice transfer of learning by applying information to a new situation; learners apply, demonstrate, choose, illustrate, interpret, modify, solve, or use concepts.
 - b. **COMPREHENSION:** Learners can give information in their own words and discover relationships; learners discuss, explain, identify, restate, generalize, summarize.
 - a. **KNOWLEDGE:** Learners possess information and can repeat it back; learners define, describe, list, recognize, recall, repeat.

4. Education as Change

Education has been described as “a process of change.” Whether concerned with changing thought, feeling, or behavior, two models describe basically the same process:



“Unfreezing,” or “uncovering” involves making the need for change, or the “need to know,” so obvious that the learner accepts it. Unfreezing occurs naturally in sufficiently unsettling situations in which established modes of behavior no longer work. The second step involves the introduction of new information, methods, thoughts, or behavior, and the third involves “locking into place,” or reinforcing the new behavior—

offering participants an opportunity to use and validate it. A learner's "need to know" has been likened to answering the question: "What's in it for me?".

5. Leadership Institute in Judicial Education

Currently held at Memphis State University, Tennessee, and replicated in California annually, the Leadership Institute in Judicial Education explores various theories of adult development (and their practical implications) with a special focus on education for personal and professional growth. Its main premise is that all persons have an innate tendency for continued growth and development and that throughout our lives we move toward greater complexity of thought, an increased capacity for caring, and greater integration of life experiences. It promotes learning environments that foster both challenge and support.

HOT TIPS

- * Adults know what they need to know (and won't learn what they don't think they need to know).
- * Adult professionals often learn best from one another.
- * Adults prefer to learn what they can use in immediate, practical ways.
- * Learning is enhanced by interactive teaching methods and involvement of several senses.
- * The best way to learn something is to do it.

B. Learning Styles

It has long been known that individuals, both children and adults, learn in different ways. Although adult professionals have succeeded in various learning environments by the time they achieve their positions (in this case, as judicial officer or court staff) and are capable of learning in many different ways, each person has a “preferred learning style.” Many models describe the different ways that people learn, five of which follow:

1. Model #1: Three basic styles

People learn primarily in one of the following ways:

- Hearing - auditory
- Seeing - visual
- Touching - tactile

A presentation that appeals to all three learning styles improves retention and makes the education program more enjoyable.

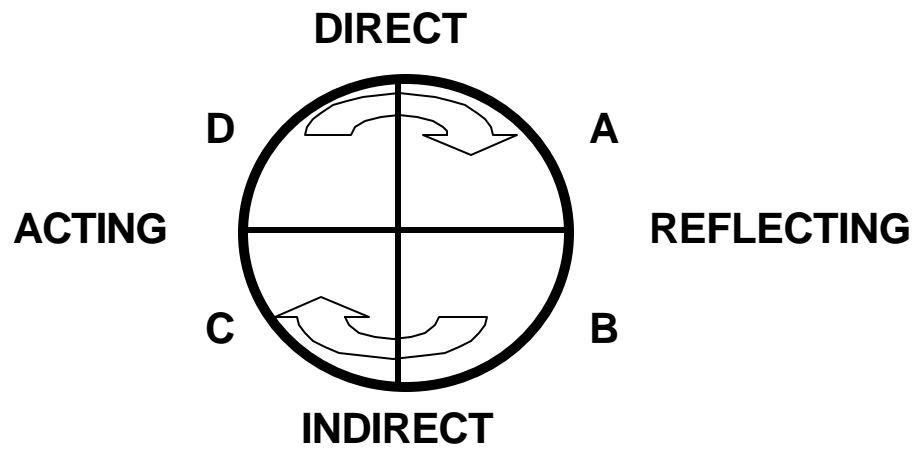
Auditory Learners remember spoken words/ideas well, express opinions verbally, and have poor visual memory. So, use lecture format, encourage participants to think out loud, and use audio equipment.

Visual Learners perform better when you show them (oral directions are frequently ineffective), like orderliness and organization, recall where they saw something some time ago, rarely talk, and use few words in class. So, use written materials, visual aids such as overhead transparencies, videotapes, and charts, and include frequent demonstrations.

Tactile Learners learn best by doing, prefer to write things down, and learn well using objects such as computers. So, use hands-on exercises, role-plays, and ask students to write their answers to your questions on paper before they are asked to discuss them.

2. Model #2: Four Learning Style Preferences (Kolb)

- Knowledge is the result of taking in and processing information.
- We take in information either directly (concrete experience) or indirectly (abstract conceptualization).
- We process information by reflecting on it or acting on it.
- Our preferred learning style combines our preferred ways of taking in and processing information. If the vertical line represents “taking in,” and the horizontal line represents “processing,” the space in between represents a specific learning style preference.



If we prefer to take in information directly (through concrete experience) and reflect upon it, our preferred learning style would be symbolized by A, above, and so forth. This model, suggested by David Kolb in 1984, assumes that although everyone has a preferred learning style, most adults learn by using all four styles, that in any group of adult learners all four preferences will be represented, that various teaching techniques or methodologies correlate to the preferences in each quadrant, and that the ability to use all four styles contributes to cognitive development. This model has implications not only for the types of teaching methods selected, but the sequence in which they are used (see page 27). It also supports team teaching, because we tend to teach the way we prefer to learn. The four styles follow:

- A** — Learners with this style prefer to take in information directly (through concrete experience) and process it by reflecting. They prefer learning activities that involve them directly, physically or emotionally, and those that require them to step back, look at the experience, get the perspectives of others, and make connections to other experiences.
- B** — Learners with this style prefer to take in information indirectly (through abstract conceptualization) and process it by reflecting. They prefer learning activities that draw from authoritative sources, research, and specialized knowledge to develop

principles, and those that require them to step back, look at the information, get the perspectives of others, and make connections with other information.

C — Learners with this style prefer to take in information indirectly (through abstract conceptualization) and process it by acting. They prefer learning activities that draw from authoritative sources (as Group B) and opportunities to try out the principles through problem solving.

D — Learners with this style prefer to take in information directly (through concrete experience) and process it by acting. They prefer learning activities that involve them directly (as Group A) and opportunities to try out the principles through problem solving.

3. Model #3: Herrmann Brain Model

Based upon the physiology of the human brain, this model devised by Ned Herrmann describes four basic thinking styles or mental processes that illustrate the way adults prefer to think, learn, communicate, and make decisions. Most adults use a combination of styles, yet their scores on the Herrmann Brain Dominance Instrument (HBDI) usually indicate a preference for two or three. Faculty must be licensed to administer the (HBDI).

4. Model #4: Myers-Briggs Type Indicator (MBTI)

The MBTI is a measure of personality type that provides faculty and seminar leaders with insight into eight different ways that students prefer to receive and process information and interact in a classroom setting. It has also proved effective in team-building courses and administrative education to address the connection between personality type and management style. The MBTI has answers for why many learners (most judges) prefer to think before they speak in class, do not like to “read meaning” into facts given in a vignette or hypothetical, and love checklists and scripts. The message for faculty is: vary your teaching methods, value and allow for differences among students, and value team teaching (otherwise you may teach only the way you prefer to learn and miss the other seven-eighths of the class). Faculty must be licensed to administer the MBTI.

5. Model #5: New research—generational differences

Among the many variables found in any group of adult learners, recent studies have focused on significant generational differences in terms of educational preferences. The chart below roughly summarizes our understanding of this new research; not all sources agree on the birth years of each group, and there is a significant amount of overlap between groups (especially in the age group born between 1940-1948).

	Pre-Boom	Boom	Post-Boom
Birth Years	Before 1943	1944-60	1961-1981
Cohort size	25 million	79 million	40 million
Key characteristics	Conservative Wanted something better for children Loyal to community Work has merit Practical (rewards come later)	Risk takers Put self first Work defines self (workaholic) Optimistic Reward due now	Low expectations Search for community Seek balance Expect disappointment Technoliterate Independent Do not delay gratification
Educational preferences	Large groups Formal presentations Expert speakers Formal question and answer Social interaction Civil and formal	Seminars On-going interaction Multiple perspectives Hands-on activities Small groups Fun	Individualized sessions Self-scheduled Computer-based/Self-study Focused on defined personal needs and interests Entertainment Ongoing fun
Motivation	Stability and security	Respect and success	Enjoyable experiences, options, freedom
Work ethic	Dedicated	Driven	Balanced
View of authority	Respectful	Love/hate	Unimpressed
Preferred leadership style	Hierarchy	Consensus	Competence
Perspective	Civic-minded	Team-oriented	Self-reliant

No one fits all attributes listed under any given category. However, consider the implications for teaching in a classroom where three generations of learners sit side-by-side. (And consider the next generation of judicial officers and court staff, now under 20 years old, who, according to this research, will prefer interactive, nonsequential, nonlinear learning and who will not look to teachers to transmit knowledge but will prefer to construct their own knowledge with the assistance of facilitators!) For now, the implications of this research underscore the need to utilize the experience of adult learners through learning activities that engage them and to accommodate and value differences among them.

C. Practical Applications (“Good Theory = Good Practice” and vice versa)

The overview of adult learning principles and styles found at pages 6–15 explains why CJER planning committees, education consultants, faculty team leaders, staff, and faculty who attend faculty development programs value the following:

- Participatory, interactive learning
- Team teaching
- Content of programs derived from planning committees composed of target learners
- Small group discussions and focus on interactive teaching methods for large groups at institutes
- Small classes in “advanced” studies (CJSP)
- “Table exercises” and seminars at the Judicial College
- Use of overheads and other visual support
- Careful selection of useable, practical materials
- Course planning that includes a needs assessment and articulation of learning objectives
- Presentations that incorporate a variety of instructional methods
- Evaluations related to learning objectives
- Faculty development programs that include student demonstrations
- Collaboration between faculty and CJER’s professional staff

HOT TIP

Adults prefer to learn in different ways, so vary your teaching methods in order to reach all learners.

I
Adult Learning Principles

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Presentation	Fairness	Special Topics	Summary

II.

Planning Your Course

Overview

Needs Assessment

Prioritize Learner Needs

Learning Objectives

Teaching Methods

- Lecture
- Large group
- Panel

Written Materials

Evaluation

II. Planning Your Course

A. Overview

BAD:

Planning Committee Chair: "OK, what shall we do at this year's _____ Law Institute?"

Planning Committee Member: "Let's invite (name) to present for two hours!"

GOOD:

Planning Committee Chair: "In planning this year's _____ Law Institute, let's first determine what knowledge, skills, and attitudes our learners need to learn in order to perform their duties more efficiently and effectively, prioritize learner needs, identify learning objectives, select delivery methods, then choose faculty."

Planning Committee Member: ???

GOOD REPHRASED:

Planning Committee Chair: "In planning this year's _____ Law Institute, let's decide what topics are most important, exactly what we want our faculty to focus on, what format we want, and who we want to invite to teach."

Planning Committee Member: "OK!"

The planning process for designing a comprehensive, statewide education curriculum, a single educational program event, a course or presentation within a program, or a topical segment within a course is, or should be, the same—and nothing substitutes for planning. Good planning, up front, will minimize the total amount of time you spend on your teaching assignment and may in fact determine the success of your efforts. Follow these four easy steps, in order, and the rest will follow:

1. After you identify your learner group (who), determine what knowledge, skills, and attitudes they need to learn (what) to competently perform their duties (both efficiently and effectively). Another way to phrase this: What problems or issues face this group of learners and what knowledge, skills, or attitudes do they need to learn to close the gap between their existing level of competence and a desired level of competence? This step is called assessing learner needs or the Needs Assessment.
2. Prioritize learner needs.

3. Once you have determined the content of your presentation (by following steps 1 and 2, above), decide exactly what aspects of that content your learners need to know, feel, or be able to do. This step is called developing Learning Objectives.
4. Design course structure and teaching methods (how) for each learning objective.

B. Needs Assessment

Educational needs assessments range from the very informal, almost intuitive, to the highly formal and sophisticated. Whichever method is used, however, this step in the planning process must not be skipped, because it is the most important question to ask about adult learners—not, what do I want or need to teach, but what do the learners want and need to learn? In most educational settings, a needs assessment combines two factors:

- ◇ What the learners want or expect to gain from the training; and
- ◇ What the trainer (or organization) believes the learner should gain from the training.

The following are approaches you can use, after you identify who your learners are (new judicial officers/court employees? judicial officers in rural courts? incoming presiding judges?):

Source	What to Do
1. Personal experience if you do or did similar work and/or know learners' activities well	If your experience is recent or current, ask yourself what problems or issues you face—what gives you the greatest problem on the job—then ask what knowledge, skills, or attitudes you need or needed to learn to solve these problems
2. Group meetings or interviews with persons highly knowledgeable and experienced in the subject area	Call a meeting or use an occasion (lunch?) to ask others informally; call or e-mail a few colleagues
3. Survey learners in advance	Talk informally, call or e-mail a representative sample of learners; send out a questionnaire before the course begins
4. Observe learner performance during past training for similar learners or examine data on past job performance	
5. Organizational or professional goals, standards, or policies	Review model codes, performance standards, mission statements
6. Feedback from specialists, including those from other fields and those with personal contact with learners	
7. For judicial officers, consider most common causes of reversal on appeal; for staff training, consider interviewing supervisors	
8. Use past evaluations and program managers as resources; consider post-program surveys and questionnaires as guides for the future	
9. Adapt to spontaneous feedback during training	Give pretests, ask “up front” what learners wish to address, respond and adapt to learner comments and questions during class

Each source has its advantages and disadvantages, so it is probably best to rely on more than one source. Even if you are “given” the topic by a planning committee or teaching guide curriculum, your judgment about learner needs is important because the world and the law are always changing.

HOT TIPS

- * Ask not what you want or need to teach, but what your learners want and need to learn.
- * Rely on one or more sources in addition to yourself to determine learner needs.

C. Prioritize Learner Needs

At some point during the needs assessment and learning objectives process, you will prioritize the many topics you could teach to determine the ones you will teach—your course content. You will be informed, perhaps constrained, by the number, experience level, and motivation of your learners, the nature and complexity of your subject area, the time allowed for your presentation, the state of the law, the workplace, or the world, your planning committee and cofaculty, and your own perfectionist desire to “cover everything.” At this point you may want to pause and consider the following:

- ◆ You will be given some guidance from your planning committee: is your subject entitled Overview, Orientation, Basic, Selected Topics, Advanced, or Hot Topics? This will help you narrow the field of potential topics and help you design good learning objectives. Do not try to “cover everything.” Coverage is not education.
- ◆ If you can divide your learner needs into two categories, essential knowledge and things that are nice to know, focus on the essential. This may be two or three key points.
- ◆ If people speak between 100–150 words per minute and read/think between 600–1,000 words per minute, why not ask the learners to read some material (before, during, or after class) and talk about the material (synthesis, judgment, analysis, evaluation) in class?
- ◆ Remember, the higher the order of thinking skills you expect of your learners (knowledge ® comprehension ® application ® analysis ® synthesis ® evaluation), the longer it takes. If you are asked to teach almost any topic in one hour, you will probably not get much further than knowledge and comprehension.
- ◆ Consider focusing on the skills-building aspects of learning in class (demonstration, role-play, modeling, video playback and critique, problem solving), or those learning experiences that cannot be done alone or are best done at live programs with real people.
- ◆ Plan enough to fill the time allotted but do not become wedded to finishing, especially if your learners are experienced. Leave room for the learners to do some teaching. What they do in class is more important than what you do.

D. Learning Objectives

Learning objectives should evolve from the needs assessment, guide your selection of teaching methods, and serve as the basis for course evaluation. If you do nothing else in this handbook, learn to develop learning objectives before designing your course.

1. What is a learning objective?

- ◆ A learning objective describes what the learner will “get” from the learning experience.
- ◆ A learning objective answers this question: As a result of this session (program, course, course segment), what will the learner KNOW, FEEL, or BE ABLE TO DO?
- ◆ It is not a goal statement (“to improve professional skills”), a course title (“Alternative Sentencing”), or what the instructor plans to do (“explain recent changes in the law”).

2. There are three basic types of learning objectives (although these are often combined):

- ◆ **COGNITIVE:** what the learner will know (perceive, comprehend, understand, remember)
- ◆ **AFFECTIVE:** what the learner will feel (value, believe, be committed to or enthusiastic about)
- ◆ **BEHAVIORAL:** what the learner will do (use, demonstrate, perform, explain)

3. How to write a learning objective:

- ◆ Begin with this: “As a result of this session/program/course, the learner will be able to. . . .”
- ◆ Select a verb from the list below.
- ◆ Complete the objective with relevant content.

4. Examples:

Good:

- ◆ As a result of this segment, learners will be able to conduct an effective suppression hearing. (behavioral/cognitive)
- ◆ As a result of this segment, learners will be able to rule effectively on common pre-trial motions. (behavioral/cognitive)
- ◆ As a result of this segment, learners will be able to identify and apply 1999 changes in the juvenile dependency law. (mostly cognitive)

- ◆ As a result of this segment, learners will be able to self-monitor for decisions based on race and gender stereotypes. (affective/cognitive)

Bad:

- ◆ To cover recent Supreme Court cases on search and seizure
- ◆ To be aware of felony sentencing guidelines
- ◆ To improve trial management skills

5. Selecting Your Verb

- ◆ Try to choose action verbs.
- ◆ Try to avoid the following: “understand,” “know,” “be aware of.” They are purely cognitive and cannot be observed, measured, or verified in class.
- ◆ State your objectives in clear, narrow, specific language.
- ◆ Be sure your objectives are achievable given the size of the learning group, program length, available equipment, etc.

Action Verbs for Learning Objectives (in ascending order of complex thinking)					
a.	KNOWLEDGE Define Describe List Recognize Recall State Identify	c.	APPLICATION (Critical thinking begins here) Apply Demonstrate Prepare Conduct Use/Utilize Show	e.	SYNTHESIS (Creativity begins here) Integrate Generate Revise/Edit Transform Create/Form Reorganize Plan
b.	COMPREHENSION Discuss Distinguish Explain Predict Summarize	d.	ANALYSIS Analyze Develop Design/Devise Illustrate Defend	f.	EVALUATION Judge/Criticize Assess Conclude Compare Interpret Justify Test/Verify/Try

HOT TIPS

- * At the end of your course, course segment, or presentation, what do you want your learners to know, feel, or be able to do?
- * Use action verbs.
- * Develop learning objectives before you decide what to teach.

E. Teaching Methods

Now that you have determined what you are going to teach, it is time to decide how you are going to teach it. This step of the planning process (variously called structuring the learning environment, designing teaching methods/techniques, and choosing learning activities) is the most creative. Your choices among a vast number of alternatives will depend on several factors, including your objectives, the size of your learner group, available time, resources, material, and technology, and your own comfort level and experience. In addition, the principles of adult learning suggest the following general considerations:

- ◆ Vary your teaching methods/techniques to reach all learners.
- ◆ Blend the use of various senses to enhance learner retention.
- ◆ Although instructor-centered approaches (active instructors, passive students) may be appropriate for some foundation level learning, learner-centered approaches (active student participation) facilitate critical and complex thinking.
- ◆ Adults learn best when they are actively involved in the learning process and can apply what they learn to solve real problems.

A list of teaching methods/learning activities is set forth at page 35. You are encouraged to try new things and be creative, but your approach may be guided by the following:

1. Matching Learning Objectives with Teaching Methods

Traditional academic practice suggests that certain teaching methods are best matched with specific learner outcomes or objectives. For example:

If learning objective/ outcome is:		Then best instructional technique/ teaching method is:
Cognitive (knowledge acquisition)	®	Lecture, seminar with recognized authority, panel presentation by experts
Behavioral (skills-building)	®	Demonstration, role-play, field trip, hands-on practice, simulation
Affective (attitudes, values, beliefs)	®	Critical incident (recall experiences, testimonials), group discussion

There is some wisdom in this approach (for example, we know that lecture rarely changes someone's attitude or belief; imagine learning how to type by participating in a large group discussion). A variation on this theme suggests that since learning objectives often blend cognitive, behavioral, and affective goals,

cognitive and affective objectives in the context of professional development always or should always include a behavioral goal. In other words, we learn new law in order to apply it, e.g., rule, decide, etc.; we learn new case management or jury selection techniques in order to manage cases and select juries. Thus, a second approach

Whether learning objective/
outcome is:

Cognitive, behavioral,
or a blend of these

The best instructional technique/
teaching method is:

® A blend of methods that always
includes an opportunity to apply
new information

2. Matching Learning Styles with Teaching Methods

- ◆ Please reread the section on Kolb's four learning style preferences (pages 12–13, beginning at #2).
- ◆ Matching preferences for both taking in and processing information with teaching methods/learning activities would look like this:

<u>Preference</u>		<u>Activities</u>
DIRECT EXPERIENCE (activities that involve the learner directly—either physically, emotionally, or both; activities that involve the senses)	®	Recall past experiences Testimonial Interview User/victim panel Demonstration/role-play Case study Film/video Field trip Self-test
REFLECTING (activities that require the learner to step back, look at the information or experience, get the perspective of others, and make connections to other experiences)	®	Reflective writing Discussion Socratic dialogue Asking for learner reaction Asking learners to make connections with other information/knowledge

Preference

INDIRECT/ABSTRACT
(activities that draw from
authoritative sources and
specialized knowledge)

®

Activities

Lecture
Print (benchguides, journals,
quick reference guides)
Checklists, rules, procedural
steps
Forms, charts, tables
Video

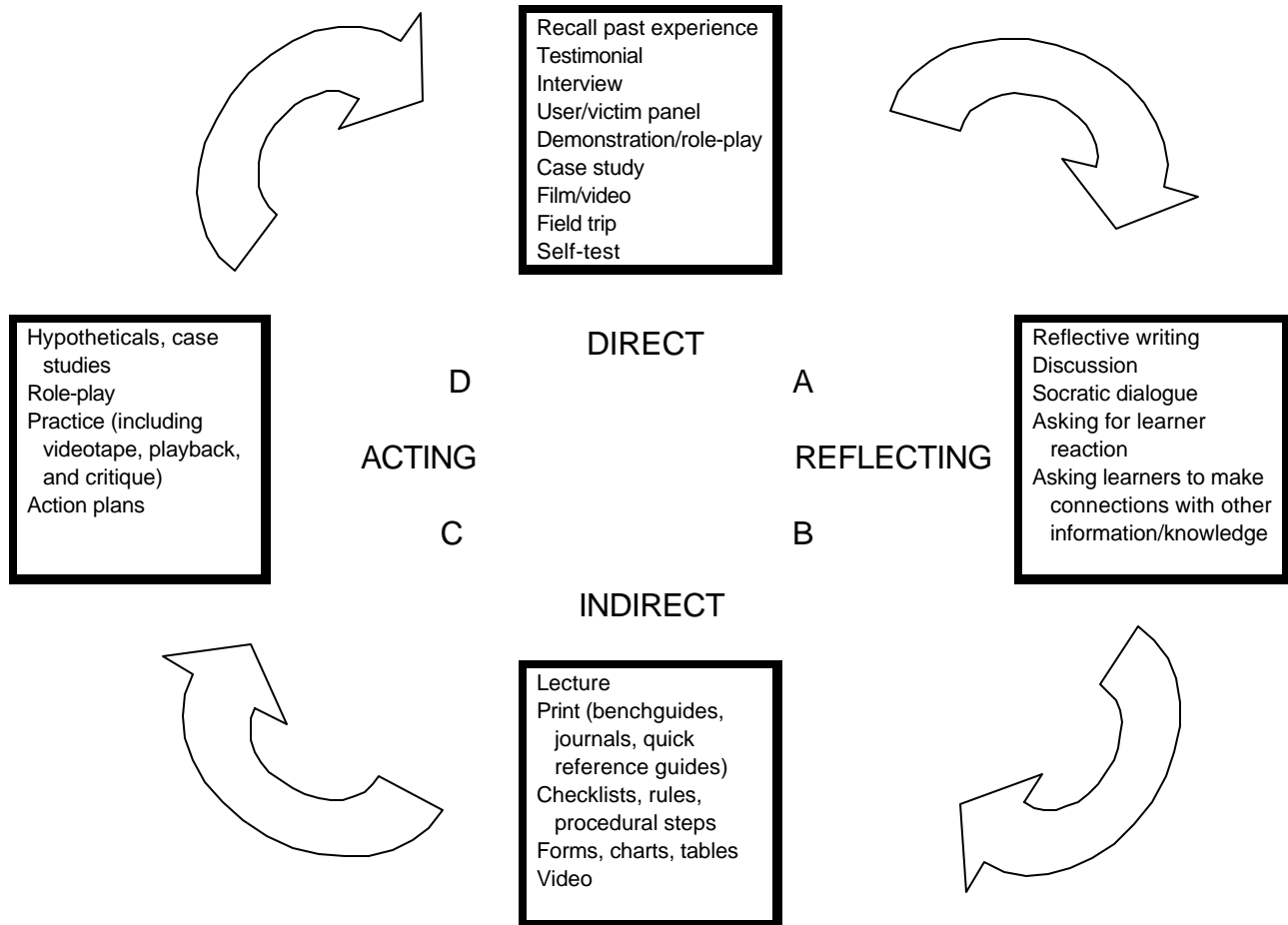
ACTING/APPLICATION
(activities that give the learner
an opportunity to apply/try out
information, principles, or
theories in problem solving)

®

Hypotheticals, case studies
Role-play
Practice (including videotape,
playback, and critique)
Action plans

(Some activities fit into more than one category.)

- ◆ Kolb's model suggests that because all learning style preferences exist in any group of adult learners and the use of all four learning styles enhances personal and professional growth, teachers should choose learning activities from all four categories, beginning with Direct Experience at the 12:00 o'clock position in the diagram below, and rotating around the "Learning Circle" in a clockwise direction:



- ◆ Second best to starting with a learning activity that offers a Direct Experience (12:00 o'clock) is starting with a learning activity that offers an Indirect Experience (6:00 o'clock)—this makes sense, because, as the model suggests, a learner needs to take in information before he or she can process it.
- ◆ Editorial comments: Starting at 6:00 o'clock and moving clockwise to ACTING describes a technique commonly used in judicial education (e.g., "table exercises" at the Judicial College) where the presenter gives a 15–20 minute "mini-lecture" on the substantive law then small groups are asked to rule on and discuss questions posed by hypotheticals or case studies; starting at 6:00 o'clock and moving counterclockwise to REFLECTING describes "traditional" higher education classroom methods (lecture→note-taking→examination) that most professionals have mastered.

Presentations structured on Kolb's Learning Circle do not necessarily allot equal amounts of time to each activity and might cycle through the circle many times.

Example:

- ◆ Session begins with self-test on alcohol and other drugs and the nature of addiction. (3 minutes)
- ◆ Instructor then asks participants to discuss their responses and reactions to the self-test—which questions posed problems? (10 minutes)
- ◆ Guest speaker (a physician) gives formal presentation on the nature of addiction. (45 minutes)
- ◆ Break
- ◆ Participants are asked to make rulings on a series of hypothetical drug court cases. Proper rulings will require knowledge of correct answers to the self-test which will have been disclosed during the presentation. (30 minutes)

3. Matching Brain Function with Teaching Methods

Research on judges who have taken the Herrmann Brain Dominance Inventory shows a group composite that is fairly evenly distributed among all four learning styles. Thus, to effectively reach all learners, instructors, whose thinking and processing preferences generally determine which instructional methods they prefer to use, must achieve a balance of varied instructional methods. Reliance upon only one or two methods such as the lecture method actually impedes learning for some students.

Proponents of this model recommend that instructors change their instructional methods every five to seven minutes (that period of time in which attention begins to wane if change does not occur), but do not recommend a specific pattern or sequence of methods.

4. A third way to choose instructional methods is to match teaching strategies with the action verbs contained in your learning objectives. If your learning objectives incorporate various levels of complex thinking, your teaching methods will challenge students to increase mastery and build competence.

KNOWLEDGE

Define

List

Identify

®

Lecture

Video/Visuals

Illustrations

COMPREHENSION

Discuss

Explain

Describe

®

Discussion

Learner Presentations

Questions

APPLICATION

Apply

Demonstrate

Illustrate

®

Exercises

Role-play

Simulations

Practice

ANALYSIS

Analyze

Develop

Compare/Contrast

®

Problems

Case Studies

Discussion

Problem Solving

SYNTHESIS

Integrate

Create

Plan

®

Projects

Develop Plans

Simulations

Case Studies/Problems

EVALUATION

Judge

Assess

Evaluate

®

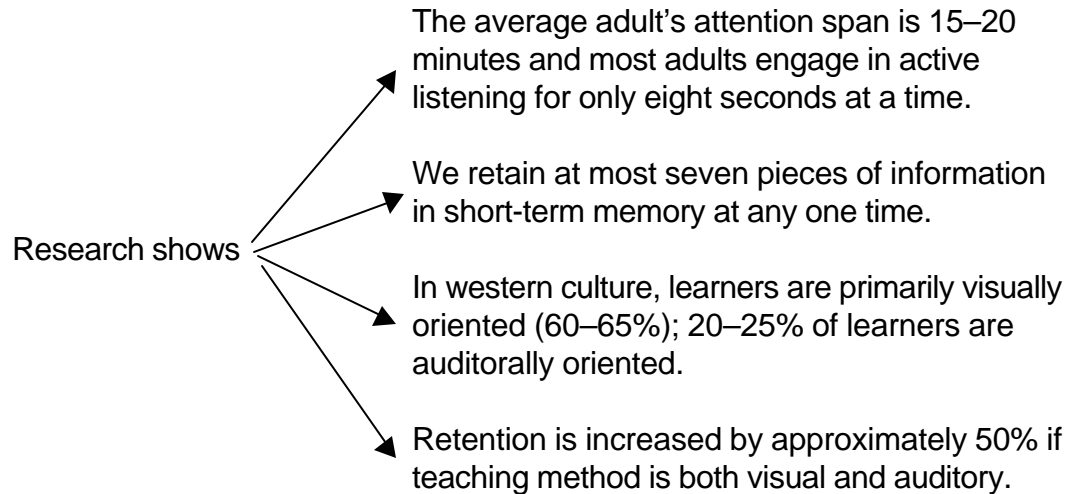
Critiques

Exercises/Case Studies

Simulations

5. Lecture

Lecture will be one of the teaching methods used in most courses. However, consider the following:



Thus, lecture has both advantages and disadvantages.

Lecture		
Advantages		Disadvantages
Instructor control		Learner passivity
Effective for knowledge/comprehension objectives		Ineffective for application, analysis, synthesis, evaluation objectives
Effectiveness depends on influence, persuasive ability, dynamic “ethos” of presenter		Greater burden on teacher
Provides vocal emphasis for memory and notetaking		Not spontaneous; hard to maintain attention
Allows synthesis and focus on information not otherwise in writing or easily obtainable		Spoken communication is slow
Can provide foundational information on which learning activities are based		Learning is optional; no evidence of learning

HOT TIPS

- * Lecture should not be your only teaching method.
- * Short presentations are best.

6. Large Groups

Although the optimal size for participatory learning in adult education seems to be 10–18 people, several techniques can be used to ensure learner participation in much larger classes (20–200). Presentations before large groups naturally separate the speaker from the participants (with height, distance, microphones, bright lights for videotape cameras), so special thought must be given to teaching methods that engage the learner. It may seem a little frightening to give up some control of the learning process in front of so many people, but your courage to stick with your commitment to participative learning will be rewarded. Your presentation will be more interesting and participants will learn more.

Remember, any teaching technique that can be used effectively with a large group can be used effectively with a small group and most techniques used with a small group can be used or adapted for use with a large group. Further discussion of the following teaching methods/learning activities are found at page 35.

Effective Methods for Large Groups

- ◆ Seat participants at tables of eight or ten instead of classroom or theater style—alternate large and small group methods
- ◆ Self-tests before, during, or after presentation
- ◆ Brainstorming (written or oral)
- ◆ Case study/hypothetical
- ◆ Demonstrations/role-play (taped, live, spontaneous, or scripted)
- ◆ Handouts—let written material provide comprehensive coverage; use oral communication to provide focus on critical information
- ◆ Voting (by hand or with cards) on correct answer
- ◆ Visual aids (overhead transparencies/presentation software)
- ◆ Small group discussions—divide into twos, threes, or five to eight member groups if chairs can be moved or turned around
- ◆ Question-and-answer period (may use roving mic or standing mic)
- ◆ Testimony (opinions/experiences of participants or others) either live or taped
- ◆ Debate

7. Panel

The panel discussion is often used as a presentation format at institutes and conferences that include large plenary sessions. It is a useful format for presenting different perspectives on the same subject, but it can turn into a series of “talking heads” who have difficulty dividing up the time amongst them. Even worse is the “panel” where one person dominates or the mini-lectures are repetitive or do not complement one another. The problem is that a good panel does not just happen—although it is a good way to divide up the workload, it actually takes more planning and preparation time overall because it involves more people.

The methods outlined below can revitalize the panel format if the following assumptions are made:

- ✓ The panel is a “teaching team”
- ✓ The team must meet (in person or by phone) at least once before the presentation to plan and coordinate roles
- ✓ A moderator or team leader must take responsibility for managing the process before (with staff assistance) and during the presentation
- ✓ Panelists should expect to interact not only with the participants but with one another during the presentation
- ✓ As with lecture, let written material provide comprehensive coverage; use oral communication to provide focus on critical information
- ✓ Consider having panelists assume different roles, *e.g.*, presenter, critic, debater, questioner, etc.

Energizing the Panel

- ✓ Position Statement: One panelist presents basic information, other panelists critique, focus, analyze, give examples.
- ✓ Written Audience Questions: Audience is encouraged to write questions on cards during presentation and pass them to the center; staff collects questions and gives them to moderator; moderator chooses best questions, reads them, and channels them to specific panelists.
- ✓ Debate: Moderator provides overview of topic/issues; one panelist argues in favor of a position or procedure, the other argues against; moderator seeks questions from audience; allows each panelist rebuttal and summary.
- ✓ Case Studies: Each panelist poses a case problem and other panelists respond.
- ✓ Demonstration or Role-play: Panel team does live (rehearsed) demonstration or role-play, then uses it as basis of discussion, presentation, or problem solving.
- ✓ Spontaneous Dialogue or Interview: Moderator asks direct questions of panelists; panelists may have helped prepare questions or may have reviewed case study or written information on which Socratic dialogue is based; moderator may seek audience questions, challenge a panelist response, or redirect a response to another panelist. Each panelist should be given two to four minutes at the end for summary statement.

8. Caveats on Use of Interactive Methods

Learning occurs best in a supportive environment, and no one likes to look unprepared, uninformed, or foolish in front of one's peers. Some learners are not comfortable speaking up in class, participating in group activities, or trying something new in front of others. On the other hand, if adult professionals learn best by participating in the learning process and if they often learn best from one another, can the learning environment be shaped to accommodate differences and still include everyone? Here are some tips:

- √ Don't put learners "on the spot"—most interactive techniques can be adapted to draw on volunteers for public disclosure—ask participants to write their thoughts on paper first, then select volunteers to respond orally.
- √ One particular technique usually succeeds in involving everyone in small group discussions:
 1. Ask participants to write their thoughts or responses to a question on paper for later discussion with one other person.
 2. Ask participants to discuss what they wrote with one other person, perhaps the person sitting next to them. Most participants will not mind discussing their ideas with one other person.
 3. Ask a small group of five to eight to discuss the topic. During the small group discussion, either partner can volunteer points from their earlier one-on-one discussion. When the "reporter" from each small group summarizes that group's discussion to the full group, the full group will receive the benefit of everyone's contribution, even if indirectly. A diagram of this progression: self → one person → small group → reporter to large group.

Table of Teaching Methods/Learning Activities

Title	Description	Comments
Lecture	Oral presentation by single speaker	Limit length, vary with other methods, support with visual aids, and allow time for questions and answers (see page 31)
Symposium	Oral presentation by two or more speakers	Can be followed by moderated questions and answers
Panel	Usually three to five persons discuss different perspectives	Can be “energized” to provide incisive interchange among panelists and interaction with participants (see page 33)
Small Group Discussion	Group of five to eight participants discuss personal perspectives, problems, and solutions	Discussion topics can be selected by group, structured by facilitator or faculty, and reported back to large group, if appropriate
Large Group Discussion	Group discussion during plenary session	Can be structured as “report back” from small groups, a question and answer period after lecture or panel, or open forum
Role-Play	Simulation in which characters play-act a real life scenario or parts in a case study	If faculty role-plays, be sure to rehearse; if you ask students to role-play, ask them in advance and give them time to read, if not rehearse, the script (unless they volunteer to do it spontaneously)
Simulation/ Demonstration	Presentation of a problem or procedure (how to do it or how not to do it); can be scripted, spontaneous, or pretaped	Modeling is an effective teaching technique, but remember to model the good way to do something if you model the bad
Case Study	Description of problem with sufficient detail that learners apply new information to its solution (decide, rule, analyze)	An “evolving” case study or hypothetical can serve as the structure for an entire presentation or course. . . .see next box
Hypothetical	Similar to case study—a set of facts that frame a problem	Begin with a simple set of facts and add complexity (e.g., first, second, and third convictions in sentencing hypothetical) or walk a case through procedural steps (e.g., TRO, arrest, bail/OR, trial, sentencing in course on domestic violence)

Title	Description	Comments
Critical Incident (Testimonial)	Learners reflect on important personal experiences or speakers give first hand (live or taped) account of important personal experiences	Effective, perhaps necessary, in courses with affective learning objectives
Self-tests	True/false or multiple choice tests given before, during, or after presentation; usually not collected	Can be given at beginning of presentation and answered throughout or at the end; good way to create a “need to know”
Questionnaires	Precourse question-naires can assess learner needs, start the learning process, and gather data for use during class. Postcourse question-naires can reinforce learning, motivate learners to accomplish goals, or serve as a course evaluation	Written responses to questions posed during class can also be collected and summarized
Reading Assignment	Can be assigned before or during the presentation	Because adults read five times faster than they speak, reading (yes, right in the middle of a lecture) covers a lot of ground quickly
Written Materials/ Handouts	Includes reference to or reading of written materials and use of handouts to generate oral or written response	See page 38
Debate	Useful when there are at least two positions on a particular issue	Minidebates are effective for presenting “all sides” of an issue. You can ask students to argue various sides of an issue, or ask one student to argue the “other side”

Title	Description	Comments
"Voting"	Participants are asked to respond to questions orally, by show of hands, or by holding up cards (thumbs up/thumbs down, green/red, overrule/sustain)	See discussion on Responder System at page 57
Question Period	Time set aside for learner questions; may be most effective if participants are given cards on which to write questions (so poor or irrelevant questions can be discarded)	This should not be the only interactive method used. It is often left for the end and there are some inherent dangers (monopolizers, war story tellers, etc.)
Field Trip	Educational tour to observe a place, activity, procedure, condition, or problem (or consider bringing the "tour" to the classroom if logistics permit). In either case, structure some time later to discuss and interpret the field trip	This activity is worth the cost, time, and planning required if it is carefully selected. Can provide more information than can ever be conveyed in class, stimulate concern, and motivate change
Action Plan	Use whenever learning objectives call for participants to apply information/experience in their courts	Plan should include: 1. Steps to be taken 2. Actions that will result 3. Who is involved 4. Where/how plan takes place 5. What resources are needed 6. Potential barriers and strategies to overcome barriers 7. Timeline for completion
Film, video, or audiotape	Can be used for immediate impact, as basis for discussion, and for in-depth treatment of issues	

F. Written Materials

- ◆ As part of your course planning, you will decide whether to include written material as handouts or as part of a course or program syllabus. Generally,

Oral communication is best for:	Written communication is best for:
Influence, Impact, Focus, and Depth	Breadth, Detail, and Later Reference

- ◆ Thus, if course content is broad or detailed, oral and visual communication alone will not suffice. However, we also know that adult learners rarely, if ever, read or refer to the materials distributed during class. Therefore, in choosing written materials, it is important to ask, Will this material support the learning activities in my course or presentation? or, Will students actually use this material back home? Judicial officers have access to the codes, advance sheets, case reporters, law libraries (law review articles), legal newspapers, CJER publications, and, to some extent, electronic media. So there is usually no need to include these materials in your course syllabus.

Include	Exclude
<ul style="list-style-type: none">• Presentation outlines (to enhance notetaking)• Checklists• Scripts/spoken forms• Procedural guidelines• Case/code summary/citations• Forms (filled in)• Flow charts/charts/graphs• Electronic presentation outline• Copy of overhead transparencies• Glossary of terms	<ul style="list-style-type: none">• Code sections/rules/standards (citations/summaries better)• Law review and other articles• Full cases (citations/summaries better)• Studies/reports• Transcripts• Jury instructions/questionnaires

- ◆ Limit written materials to reduce waste and limit in-class handouts to reduce disruption.
- ◆ Consider color-coding written materials if they should be distinguished (e.g., save v. keep, self-test questions v. self-test answers).
- ◆ Please adhere to written material deadlines and, if you bring handouts to class, be sure to bring enough copies for all participants and the CJER files.
- ◆ Materials may be submitted on disk. Please use one of the standard Windows 95/98 word processing programs such as MSWord or WordPerfect.

HOT TIPS: - Include only written material that you or your students will use (in class or later). - Less is better. - Include copies of overheads/slides/electronic presentation if text is substantive.

G. Evaluations

While most evaluations reflect a high level of satisfaction with and appreciation of CJER programs and faculty, here are the most common complaints we see on written participant evaluation forms (not counting complaints about food and room temperature):

Most Common Complaints

- More nuts and bolts!
- Never referred to material.
- No time for questions.
- Need copy of overheads.
- Answering a question with a question is not helpful.
- Slow down!
- Needs better organization/structure.
- Couldn't read overheads.
- Too basic.
- Too touchy-feely!
- Too much "talking heads."
- Repeat questions from audience—couldn't hear.
- Needs more time.

These complaints generally occur one at a time, if at all, and most are easy to fix or avoid altogether (if you read this Handbook!). . . .

The main reason to evaluate an education program is to determine whether its learning objectives have been achieved. While some evaluation methods measure learning (e.g., whether information is understood or remembered; whether job performance improves), the method traditionally used in continuing legal education is the written evaluation form filled in by participants. These most accurately measure learner reaction to (or satisfaction with) the program, and to the extent that they ask whether learning objectives were achieved or information/new skills will be applied on the job, the answers are subjective. This means that written evaluation forms, though useful, have inherent limitations. They can, however:

- ◆ Measure learner satisfaction.
- ◆ Determine whether the learner believes that course objectives were met.
- ◆ Determine whether the learner believes that he or she will use newly learned information or skills on the job.

- ◆ Give constructive feedback to faculty on content, organization, and presentation style.
- ◆ Assist in future planning (or mid-course adjustment) with regard to content, level of instruction, faculty selection, etc.

Given the limitations of written evaluation forms, however, consider the following:

- ◆ The best time to assess whether the learners are learning what you want them to learn is during the training. Thus, if your learning objectives are behavioral (that is, if you have used “action” verbs such as list, rule on, identify, etc.) and you provide the learners with an opportunity to apply what they learn, your learners will demonstrate what they have learned in class.
- ◆ State your learning objectives “up front” (at the beginning of class).
- ◆ Use evaluations to improve your teaching but take them with a couple of grains of salt.
- ◆ Remember, evaluations of faculty who teach less popular courses often reflect the learners’ attitude toward the courses.
- ◆ Consider postcourse follow-up evaluations by phone or questionnaire and live, postcourse debriefing by faculty, planning committee liaisons, and staff, in addition to written participant evaluations.

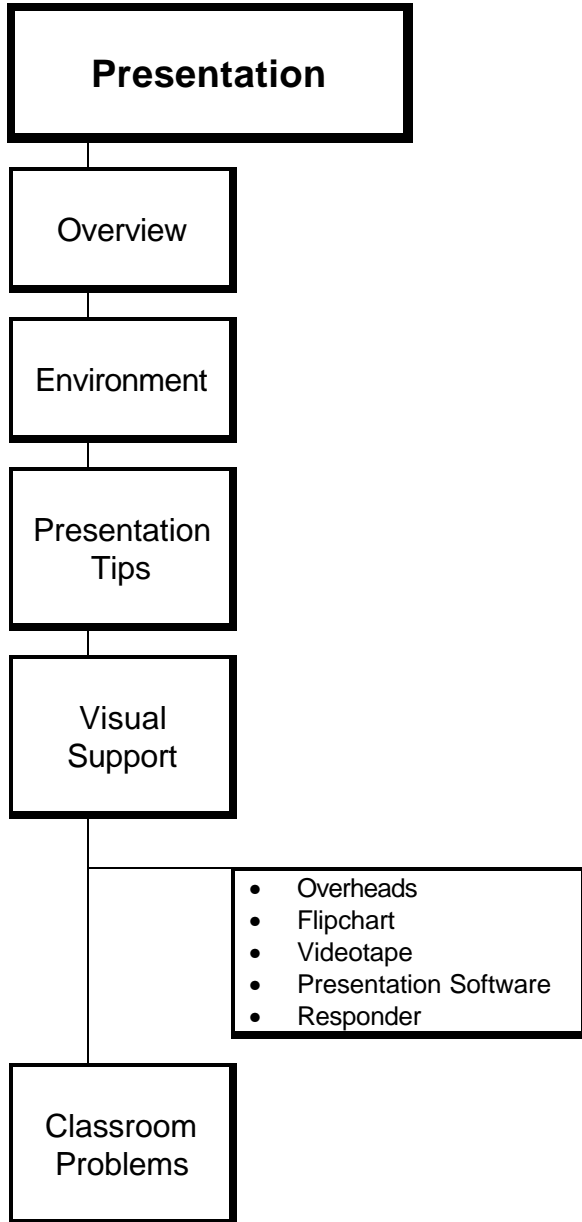
HOT TIPS

- The best time to evaluate whether learning objectives are being met is in class during the learning activities.
- State learning objectives “up front.”
- You can improve your teaching by looking for patterns in your evaluations—but don’t take them too seriously.

I	II.
Adult Learning Principles	Planning Your Course

IV.	V.	VI.
Fairness	Special Topics	Summary

III.



III. Presentation

A. Overview

There is no one “best” method of presenting material to adult learners—every teacher is unique just as every learner is unique. But what makes a teacher good? Certainly knowledge of and competence in the subject matter. “An attitude of understanding and permissiveness toward people” (Malcolm Knowles). Enthusiasm. Think back to the best teacher you ever had—where you learned the most and were the most excited about learning. The common denominator of responses is usually the ability of the teacher to “connect” or “engage” with the learner. You don’t have to be entertaining—just engaging.

B. Environment

A “learning environment” has both physical and psychological dimensions. Both the physical and psychological environments must be safe, comfortable, and conducive to learning. Accomplishing this requires both planning and flexibility.

1. Physical Environment

Adults are highly sensitive to their physical surroundings and become more so with age. Distracting physical discomfort will detract from the learning experience and interfere with the learner’s ability to concentrate and participate fully. Obvious elements of a safe and comfortable physical environment include security, adequate light, air, and acoustics, appropriate temperature (cool), low noise, comfortable furniture, and easy access to classrooms, bathrooms, telephones, and the outdoors. Staff is responsible for arranging these aspects of the environment and should be alerted to any deficiencies. Not so obvious is the classroom seating arrangement* and the pacing of breaks, refreshments, and opportunities for informal interaction. Faculty is responsible for these as part of course planning.

*Seating arrangements that encourage learners to interact (round tables, hollow squares or “U”s, etc.) are most supportive of learner-centered teaching methods.

2. Psychological Environment

Adults learn best in a relaxed, nonthreatening, collaborative climate. Other words used to describe this climate include positive, participative, inclusive, supportive, low-risk, interactive, and trusting. The following are ways to establish and maintain such a climate:

- ◆ Design ways for participants to get acquainted quickly: use legible name tags, table nameplates, introductions (see A, below), and “ice-breakers” (see B, below).
- ◆ Encourage sharing of experience and opinions early in the program.
- ◆ Use first names, talk to students informally before and after class, “level the playing field” if appropriate (sit in the middle, not at the end of a rectangular table; move about and “into the well” of a hollow “U”).
- ◆ Make eye contact with students.
- ◆ Be flexible (consider taking a vote if a major change is to be made to the schedule, the room, or the direction of course content).
- ◆ Be committed to learner-centered teaching.
- ◆ Articulate or imagine ground rules for your course and model them.

Introductions	Ice-breakers	Ground Rules
<ul style="list-style-type: none"> ◆ Faculty should “model” introduction by stating the information solicited from the students (e.g., name, length of time on the bench, and one other piece of information) and introducing themselves first. This way, faculty can model content and length. ◆ One exercise always works (it takes more time but may be worth it in longer courses). Ask the class to break into pairs and interview each other (use either a formal or open-ended questionnaire or written questions). Each partner then introduces his or her partner to the group. The introductions are usually more “glowing,” personal, and informative than self-introductions, and each participant has made a new acquaintance. 	<ul style="list-style-type: none"> ◆ Ice-breakers involve all participants in an opening exercise or activity that serves, in part, to introduce learners to one another. Depending on the nature of the course, participants can be asked to share their experiences with one person, a small group, or the full group. Examples: <ul style="list-style-type: none"> – What was your best or worst experience on the bench? – What do you hope to gain from this course? – Give one example of how you have taken or have considered taking part in court-community outreach. ◆ Caveat: Some learners become anxious if the information requested is too personal. Use your own judgment, consider smaller groups or twosomes for disclosure of personal information, and never mandate participation. 	<ul style="list-style-type: none"> ◆ The following are based on ground rules developed for use by participants in ethics and fairness courses. They need not be articulated in all courses, but they probably apply in principle to the environment you hope to create in all courses: <ul style="list-style-type: none"> ⇒ Actively participate ⇒ “Share the air” ⇒ Try fresh perspectives ⇒ Consensus is not required ⇒ “Mistakes” are OK

The key is ® plan in advance but be flexible once you’re there.

C. Presentation Tips

It takes time to learn to teach and one never stops learning. Therefore, take what you can from the following suggestions and don't expect to accomplish everything at once (perhaps try one or two new ideas each time you teach).

Opening

- ◆ Start on time. Gain attention: tell a story, recall an unusual case, refer to a current event, use a prop, headline, or strong visual, ask audience to think about or recall something (pause 7-8 seconds), ask audience a question (pause for audience to process), write a statistic on a flipchart, walk away and pause before explaining what it means, etc.
- ◆ Immediately establish rapport with learners. Make learners feel comfortable. Use an ice-breaker if appropriate.
- ◆ State your purpose/agenda/learning objectives. Indicate awareness of learner needs by asking participants to react, add to, or modify objectives.
- ◆ Demonstrate relevance of topic (explain how audience will benefit).
- ◆ Get participants to "do something" within the first 30 minutes. The sooner you get them involved, the easier it will be throughout. The longer you wait, the harder it will be.

During

- ◆ Limit the quantity of information to suit your audience and the time allowed.
- ◆ Explain and demonstrate each point.
- ◆ Use at least one practical example per point; for complex ideas, use several examples.
- ◆ Make some examples verbal, some visual.
- ◆ Use visual aids.
- ◆ Ask participants to do tasks that require responses (e.g., ask questions and wait for answers); provide correct answers if questions have correct answers.
- ◆ When making a key point or series of points, change your posture or location, if only slightly, for each point.
- ◆ Provide transitions (tell participants where you have been and where you are going).

Closing

- ◆ Tell participants what you have told them (summarize or restate main points but don't call it a summary; relate progressive points; restate learning objectives and how your presentation achieved the objectives), or, better yet, let the learners summarize (state key thing(s) you learned; name one thing you will do differently as a result of this course).
- ◆ Provide time for questions and answers.
- ◆ Explain again how students will benefit.
- ◆ End on a positive note/high point; consider using a story or a personal experience to capture the spirit of what has been taught.
- ◆ End on time.

1. General

- ◆ Convey enthusiasm for topic and acceptance of learners.
- ◆ Speak spontaneously, even conversationally, from an outline—not word for word from a script or prepared text. Vary your pitch, tone, and volume to inflect feeling and emphasis. Try to sound confident, don't apologize, and don't talk too fast. One expert says: speak at a slightly forced pace with a heightened conversational tone.
- ◆ Be yourself, but feel free to use gestures, facial expressions (especially pleasant ones), and shifts in position. Learn about your own mannerisms or habits (videotape is the most honest) and work on eliminating any distracting ones such as dangling jewelry or rattling change in your pocket.
- ◆ Move “into” your audience (into the “well,” close to learners, among tables). This establishes rapport and gives you a chance to see how they're doing.
- ◆ Do not use a podium or lectern. When using visual aids, position yourself so that you do not detract from the visual.
- ◆ Turn off AV equipment when not using it.
- ◆ Use eye contact with different individuals throughout the audience. Don't focus attention on only one person or one part of the audience.
- ◆ Plan for two-way communication with learners. This requires:
 - √ Active listening
 - √ Sincere interest in learning from others
 - √ Openness to feedback
 - √ Willingness to receive suggestions and criticism
 - √ Willingness to be wrong or change your mind
 - √ Ability to elicit comments
- ◆ Use learner comments to further your progress. Recognize experienced students and invite them to participate.

- ◆ Pause frequently between thoughts, statements, and ideas. Adults need time to reflect. If our brains listen actively for only eight seconds at a time, if you don't pause, students will mentally pause anyway.
- ◆ Take short, frequent breaks. If we remember best what we learned first and last during each segment, frequent breaks will increase retention.
- ◆ Vary teaching techniques. Don't use any one instructional technique for very long.
- ◆ Ask questions, preferably open-ended ones, to the audience generally. Watch for nonverbal clues that a student wishes to respond. When directing a question to a specific individual, ask the question first, pause, and then identify a person to respond. Watch for nonverbal clues such as attentiveness, leaning forward, and eye contact so you do not put people "on the spot."
- ◆ Use "props" if you are comfortable with them—hats, novelties, etc.
- ◆ If an incorrect answer is given, help the learner "save face." Find part of the answer that is correct, turn the wrong answer into a clue for the right answer, or give the person a second chance by coaching and offering more clues. When there is no right or wrong answer, be equally approving of all answers.
- ◆ Alternate factual information with examples and personal experiences.
- ◆ Use humor if you're good at it, but beware of humor that deprecates a person or group of people (if you want to poke fun at someone, use self-deprecating humor—poke fun at yourself). Ethnic jokes and jokes about sex are inappropriate. Cartoons, one-liners, and ad libs can be effective. All planned humor should be relevant to the topic and used to reinforce key points, and subtle, dry humor can be just as effective as humor that evokes loud laughter. Never tell participants that you are telling a joke—tell it as a story.
- ◆ Use frequent previews, summaries, and transitions.
- ◆ Keep track of time, but do not openly look at your watch. Do not exceed your time.
- ◆ Some experts suggest that instructors should encourage students to take notes by providing space on handouts for written responses. This provides a kinesthetic experience and keeps students focused.
- ◆ Walk through, at least once, any task you give students to make sure instructions are clear.
- ◆ In a large class, repeat all questions from the audience. This is most important when your session is being videotaped.
- ◆ Use gender-neutral language. There are many ways to do this without belaboring it.
- ◆ Avoid the terms "test" and "student."
- ◆ Even at the end don't rush to "cover" material. "Getting through" everything is not required.
- ◆ Enjoy yourself. When you enjoy yourself, you are probably at your best.

HOT TIPS

Opening	During	Closing
<ul style="list-style-type: none"> • Re-read “opening” box at page 45. • Rehearse your opening. • Involve students as soon as you can. 	<ul style="list-style-type: none"> • Use visual aids. • Engage in two-way communication. • Vary teaching methods. • Enjoy yourself! 	<ul style="list-style-type: none"> • Restate learning objectives and how your presentation achieved them or ask participants to summarize (see page 46). • End on a positive note.

2. New Faculty

According to the Book of Lists by David Wallechinsky, et al. (William Morrow and Company, Inc., 1977), speaking before a group is the number one fear of U.S. adults—ranked first before insects, snakes, earthquakes, war, sickness, death, flying, etc. If you fear speaking in front of a group, the following are things you can do to help overcome your fear (experienced faculty do most of these things routinely):

- ◆ Know your material well.
- ◆ Practice your presentation.
- ◆ Learn your students’ first names and use them.
- ◆ Establish your credibility early (ask whoever introduces you to say something positive about your expertise).
- ◆ Demonstrate your advance preparation (distribute outline/handouts, etc.).
- ◆ Anticipate potential problems and prepare possible responses.
- ◆ Check AV equipment and facilities in advance. Know how to turn the overhead projector on and off and, if using a videotape, queue it up and figure out how to dim the lights or pull the curtains.
- ◆ Obtain information about the group ahead of time (send a questionnaire, ask Program Manager, etc.).
- ◆ Dress comfortably.
- ◆ Get enough rest beforehand (fly in the night before).
- ◆ Be you—don’t imitate someone else.
- ◆ Super-prepare your first 5 minutes. Know exactly what you plan to do/say and rehearse it.
- ◆ Imagine yourself giving your (excellent) presentation.

- ◆ Act relaxed (*e.g.*, create informality—sit on a table, walk around).
- ◆ Take three deep breaths before starting.

p.s. Some anxiety before public speaking is good. It gives you energy and looks like enthusiasm.

HOT TIP

The difference between a good and an inexperienced teacher is: a good teacher knows more ways to teach.

D. Visual Support

Visual support helps focus and maintain attention, assists visual learners comprehend information, reinforces information, helps manage group interaction, and helps the instructor with transitions and fluency. As discussed earlier, use of visual support significantly increases learner retention.

1. Overhead Transparencies [written with special pens on transparent acetate sheets, copied from print onto acetate sheets, or printed onto acetate sheets by a black and white or color printer, placed on overhead projector, and projected onto screen—check to make sure your copier doesn't melt the acetate before copying]

Overhead transparencies are easy to create and use, inexpensive, and can give your presentation a professional, organized appearance. Slides may be hand-written or created on desktop publishing software or word processor and printed. Some instructors prefer hand-written overheads—if legible, they may even be easier to read and remember than the more “professional” versions. While overheads can be overused and misused, once you become confident using them, you will wonder what you ever did without them.

USES:

- Impact (attention-getting materials, cartoons, statistics)
- Quotations, including excerpts from laws/rules, etc.
- Summary of points, learning objectives, outline
- Case study (fact pattern)
- Graphics, charts, statistics
- Question, task, self-test
- Closure (checklist, steps, guidelines)

TIPS (BEGINNERS):

- Limit each transparency to a single concept or idea.
- Use only “key” words—phrases, not sentences.

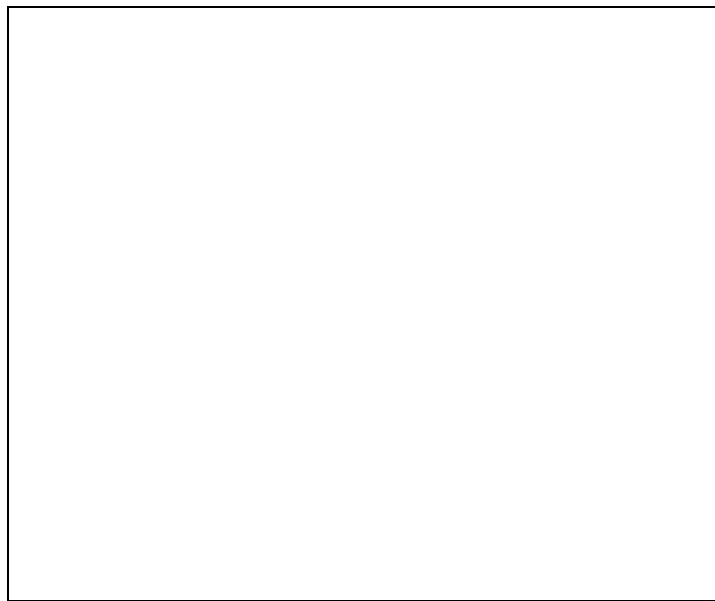
BAD

Lucy Defendant was stopped running a red light in a busy intersection. In running DMV check, three FTAs appear along with a license suspension for prior DUI.

GOOD

- ◆ Routine Stop
- ◆ 3 FTAs
- ◆ Lic Susp—DUI
- ◆ ?

- Six lines per frame, six words per line maximum; leave white space.
- Use only top 2/3 of sheet.
- Use large print (at least 24 point or 1/2 inch—36 point better) or place lined paper beneath acetate sheet and make letters at least as tall as one space—a photocopied transparency taken from an actual printed page will be too small!
- Use only one style font per frame, preferably sans serif (e.g., Arial or Comic), and use both upper and lower case letters. **ALL CAPS IS HARD TO READ.**
- Point to the transparency as it rests on the overhead projector. Do not turn your back to the audience and point to the screen. Don't stand or walk between the projector and the screen when the projector is on.



- Use colored pens when creating your transparencies, write on a blank transparency as you would a flipchart, or draw on a prepared transparency as you present. Transparencies also come in various colors.
 - Keep room lights on while using the overhead projector.
- Check the projector before you begin, focus it on the screen, learn how to turn it off and on, and turn it off both between transparencies (if there is a pause) and when you want the attention focused back on yourself.
- Make copies of important transparencies for participants. Nothing is more frustrating to learners than to not be able to read an overhead, and in groups larger than 30 visibility will be a problem. Use **VERY** large letters if you want a large group to read an overhead transparency.

- Number your transparencies in case you drop them.
- Rehearse integrating visual aids into your presentation (smooth integration is not automatic).

TIPS (ADVANCED):

- Cover part of the transparency yet to be shown with a piece of card stock or cardboard. Tape quarters to the underside of card stock at the top so that it doesn't fall off when covering the lower portion of a transparency and you don't have to hold it.
- Cover the right half of the transparency (answers) as you discuss the left half (questions)—reveal the right half as answers are given.
- Overlay (put one or more on top of the other) transparencies to build complex ideas.
- Frame important transparencies and write presentation notes on the frame.
- Place “nice to know” transparencies where you can reach them; place transparencies you use often in a 3-ring binder with a duplicate paper copy of the transparency underneath it. The paper copy may contain key words, quotes, ideas or jokes you want to remember.
- Use the overhead for transition from one topic to another, to refocus attention on your presentation, to “get back to business” when a digression has gone on too long, or when it's time to move on.
- Make transitional remarks while changing transparencies.

2. Flipchart [large pad of paper on an easel; may be self-sticking or require tape to post; need large felt-tip marking pens to write—available in almost all adult education settings, flipcharts can be preprepared or used spontaneously]

USES:

- Preprepare to list instructions, key points, ground rules, quotes, charts, questions, or other visuals used for impact.
- Record learner ideas, questions, responses, and post for later or continuous viewing.

TIPS (BEGINNERS):

- Do not use flipcharts with large audiences.
- Make sure all learners can see the flipchart.
- Precheck pens to be sure they write.
- Use dark colors.
- Abbreviate or summarize points (write as little as possible).
- Avoid turning your back to the audience, if possible.
- When seeking audience responses, write down every idea offered. If the idea is unclear or redundant, clarify with the learner or ask if the idea is included already.
- Provide your own insights as ideas are offered (unless brainstorming, see page 72), but try not to praise some ideas over others.
- Write large, write fast, and print.
- If you preprepare flipchart pages, write on every other page (so writing underneath does not show through).
- Don't overdo use of the flipchart. Ask yourself, do we need to see a composite list? Will we refer to this later? If so, record responses. If not, don't.
- Divide recording duties when team-teaching (one records while the other speaks) or use two flipcharts and alternate recording where responses come quickly or the audience is large.
- Number responses.

TIPS (ADVANCED):

- Alternate colors for every other response recorded.

3. Videotape

As with any other visual support, videotape should never “stand alone” as course content. It is what happens as a result of watching a videotape that determines whether learning occurs.

TIPS:

- Videotaped scenarios, documentary, interviews, etc. can have a strong impact on the viewer.
- Videotapes are most effective when:
 - * information is best conveyed when viewed in actual situations that include action and interaction
 - * demonstrations of skills or behavior are too subtle or complex to simulate in class (e.g., intricate skills, facial expressions)
 - * information is best conveyed through “story line” or theme
 - * a particularly powerful speaker cannot attend or a situation cannot be observed first hand by the class
- Tell participants before watching the tape what they will be asked to do with the information.
- If tape is powerful, allow time for discussion, analysis, and closure or summary of key points.
- Make sure everyone can see and hear the tape; no more than 15–20 participants can view a TV monitor; for larger groups project image with an LCD.
- Test your equipment before operating; if you will be stopping and starting the tape, be sure that the tape does not continue running when you push “pause” or “stop.”

4. Presentation Software²

a. What is it?

Presentation software (Microsoft PowerPoint, WordPerfect Presentation, Free Lance Graphics, Astound) allows the user to create visual aids in the form of slides. Projected onto a screen by an LCD projector, the slides can take the form of text, graphics, or graphs, and can be supplemented with sound and animation. The instructor can also print the presentation as handouts, create transparencies, or create a note-taking document that depicts miniature slides. Presentation software requires a laptop or desktop computer (at least a 386 micro processor with 8MG of RAM), an LCD projector and a screen. To blend use of presentation software and overhead

²Adapted from “Slide Rules,” by Robert L. Lindstrom, Windows Magazine, pp 160–170, CMP Publications, Inc., June 1995.

transparencies, the instructor can use the same screen but must know how to switch between the two media.

b. To Use or Not to Use?

Used properly, presentation software, like any other visual support, can increase learner engagement, improve comprehension, increase retention, reinforce key points, make abstract ideas concrete, and impart a professional image. Used improperly, it can alienate, bore, and overwhelm the viewer, inhibit communication and interaction, and foster passivity.

Presentation software should be used only when the instructor feels comfortable and proficient with the medium. A good PowerPoint presentation is especially effective where a presenter seeks mainly to convey information. Adapting presentation software to an interactive learning environment, however, is doable but takes careful planning. Do not fall victim to the “enamored with new power” syndrome by following the adage: “If you have nothing to say, distract them,” and never type your presentation onto PowerPoint slides then read the slides to your students. Every element of a software demonstration should support your message.

TIPS:

- No excess, no clutter; follow basic design principles: the essence of good design is knowing what not to include.
- Text is the first line of visual communication. Words on screen reinforce the points you make orally. Word choice is important but be aware of subtextual information communicated by fonts, point size, clarity, color, and graphics.
- Type (similar to overhead transparencies): Select a simple, readable type style, preferably sans serif (Helvetica or Arial) or understated serif (Garamond); use upper and lower case; highlight with bold, underlines, or italics but use them sparingly; keep type large (24 points minimum), use no more than two typefaces per slide, keep type styles consistent, do not center long lines of text.
- Misspelling is unacceptable. Use spellcheck and ask someone else to proofread.
- When projecting, use dark background (deep blue, maroon, black or brown) with light text (white, yellow, light blue, light green), unlike overhead transparencies where it is best to use dark text on light background.
- Color can communicate contrast, mood, emphasis, and theme. After content, it is usually the most important design variable. Most software systems offer design templates which are routinely used and avoid misuse or overuse of color. Color change can be used to emphasize certain points, change the subject, or differentiate between related points. Avoid using red and green to

differentiate between different important points, as roughly five to ten percent of the population cannot differentiate between red and green.

- Transitions: electronic presentation allows the presenter to add elements of motion into transitions between slides and multiple bullets on one slide. For example, a fade to black between slides indicates (through subconscious association) movement to another subject while a quick dissolve indicates movement to related information.

c. Graphics

A few excellent visuals communicate far more than many mediocre ones. Effective graphics 1) use the right emotional and intellectual elements to convey a message, and 2) use line, shape, placement, and perspective to control where the viewer focuses on the screen. Graphics should be used only if they make your point clearer and more powerful; use clip art sparingly.

- Multimedia presentations (video, sound, and animation) are possible, but require excellent graphic design, fast delivery, preparation time, and top-notch equipment.
- Always make a backup set of overhead transparencies of your software presentation in case technology fails.

Presentation Software

Pros	Cons
<ul style="list-style-type: none"> • Can aid retention, reach visual learners, reinforce key points, and improve comprehension. • Useful for highlighting items on a list—each bullet will appear by clicking a mouse. • With practice, PowerPoint is easy to use during presentation with a remote mouse. • Instructor is perceived as credible and persuasive; create professional appearance. 	<ul style="list-style-type: none"> • Can overwhelm viewer, inhibit communication and interaction, and foster passivity. • Time-consuming to prepare presentation. • Software, computer, and projector are costly and not always available; technology doesn't always work. • If projector is old, room lights may need to be dimmed during presentation, and viewers may fall asleep. • It takes practice to be proficient and a bad software presentation is worse than none at all. • Difficult to "go back" or interrupt sequence of preplanned presentation

5. Responder

A responder system (e.g., Wireless Response System), consisting of one wireless keypad per student, antenna, and computer with projector, enables

instructors to elicit anonymous responses from participants. Responses are “punched” by the students into individual keypads, captured and compiled by a computer, then projected onto a screen in display format (bar graphs/pie charts). The process is almost instantaneous and, because responses are (or can be) anonymous, it is particularly effective when there are differences of opinion (e.g., sentencing practices/evidentiary rulings) or the subject matter is sensitive (e.g., ethics/fairness). Used effectively, the responder system is an excellent interactive teaching tool and an unparalleled catalyst for discussion.

Benefits

- Responses are anonymous, which reduces fear of embarrassment.
- All students participate.
- Students tend to give honest responses.
- Feedback is instantaneous and results are demonstrated immediately.
- Instructor can assess learners’ baseline knowledge or evaluate what they learn as a result of the presentation (by displaying results of pre- or post-test).
- Can be used as an ice-breaker to determine class profile.

Caveats

- To use a responder system, a technician must be present.
- Care must be taken to frame good questions. Questions can be misinterpreted, true/false questions can distort participants’ knowledge, few issues are so clear that “yes/no” answers are definitive, questions must be concrete and brief, the “other” option should be given when there is no correct answer, etc. It is harder than it looks.

Sample questions

- | | |
|--|---|
| • I became a judge because I wanted to | • My decisions are affected by racial and |
| 1. Interpret the law fairly and do justice | gender stereotypes |
| 2. Make a difference in the justice | 1. Always |
| system | 2. Often |
| 3. Earn a good living and work | 3. Sometimes |
| reasonable hours | 4. Probably |
| 4. I was bad at math | 5. I don’t know |
| 5. Other | 6. Never |

F. Classroom Problems

The following suggestions for dealing with common discussion group or classroom problems are helpful to consider but should not strike fear into the hearts of new faculty. Learner-centered teaching requires faculty to be less controlling and omniscient and the classroom environment to be less formal than the traditional educational setting. Thus, most suggestions deal with ways to ensure that all learners get a chance to contribute, not ways to ensure that they remain silent. Setting ground rules or expectations at the beginning gives you something to refer to later, if necessary.

THE MONOPOLIZER (the person who answers every question, speaks too frequently, or at great length)

- a. Monopolizers are usually seeking recognition, so they may quiet down if you recognize their contributions, as appropriate. Find merit in the monopolizer's positions, if possible. If he or she continues to give speeches rather than comments, interrupt and politely but firmly request that all members be allowed an equal opportunity to contribute.
- b. If the speeches continue, speak privately to the monopolizer. Explain that although his or her ideas are helpful, their length or frequency inhibits others from being able to express and defend their ideas. Encourage him or her to listen to others.
- c. If all else fails, ask the Dean, Associate Dean, Planning Committee Chair, or Vice Chair to counsel the monopolizer.

THE DOMINATOR (the assertive or aggressive monopolizer, or "know-it-all")

- a. A bit more difficult, dominators also seek recognition but are less sensitive to the views of others. Follow steps under 1, above, but consider the following intervention techniques:
 - Control and lower your emotional level
 - Walk over and stand beside the dominator
 - Give dominator a quick but stern stare
 - Turn your back on the dominator, start talking to the audience
 - Turn on the projector with a new transparency or start writing on the flipchart before the dominator finishes
 - Ask others for reaction to what the dominator said, even before he or she finishes speaking
 - Don't be afraid to interrupt the dominator and change the subject
- b. Follow steps b and c, above

THE CHRONIC INTERRUPTER

- a. Reaffirm ground rules: "Let's permit people to finish their comments."
- b. Interrupt the interrupter: "Just a moment, John. I don't think Sue has finished yet."

THE SHARP SHOOTER (the person who seems determined to prove you wrong)

- a. Don't be afraid of them.
- b. Don't bluff. Say you "don't know" or that you "never considered that."
- c. Avoid long conversations or arguments.
- d. Smile (it's disarming) and use your sense of humor: "I was afraid somebody would ask that."
- e. Let the sharpshooter off the hook easily.

THE FREQUENT STORY TELLER (the person who tells "war stories" or talks extensively about his or her current cases)

- a. Another area where ground rules (e.g., limit war stories) at the beginning will help. The group will help you control the war story teller by reminding him or her that they are telling the second or third war story in a row.
- b. Force the frequent story teller to defend his or her practices: "Why do you do it that way?" "Do you think your system would work in a rural court?"

EXTENDED ARGUING BETWEEN TWO PEOPLE

- a. When the disputants cease to give new information and simply rehash old data, ask for input from others. "I think Lynn and Ernie have given us the basis for both sides of the issue. What do the rest of you think?"
- b. Ask disputants to rephrase the other's position. "Lynn, before you reply to Ernie, tell us what you hear Ernie saying. What's his argument in a nutshell?"
- c. Arguments about the law are frustrating when there is no code for immediate reference. After both sides have stated their interpretation of the law, ask them to defer resolution until the break when you or one of them can look up the law in the CJER office or call a researcher or library for the code section.
- d. Another area where ground rules (e.g., consensus not required) at the beginning will be helpful.

SIDEBAR CONVERSATIONS

- a. Stop the side conversations: "I'm having trouble hearing Leo. Let's have just one person talk at a time."
- b. Short of glaring at two old friends engaging in continuous side conversation and reverting to grade school techniques ("Did you two want to share with the rest of us?"), if this dynamic continues, talk to the "talkers" during break, acknowledge that they are engaged in the course in their own way, but ask them to become your allies by contributing to the group as a whole.

THE SILENT MEMBER

- a. Try to ascertain the reason for the silence. Look for nonverbal clues. For some, hearing their voice once, early, is enough to break the ice. Another good reason for ice-breakers.
- b. If the silent member is alert and interested, you need not be too concerned. Some people simply prefer to listen more than talk.
- c. If the reason is boredom, change your teaching method (consider forming the class into pairs for discussion), ask more challenging or stimulating questions, or speak to the person at break about his or her interests.
- d. If the reason is shyness or fear, consider forming the class into pairs or small groups for discussion, speak to the person at break, determine his or her experience level and ask him or her to share it with the class on a particular point.
- e. Assign the silent member ahead of time, with his or her consent, to take part in a role-play or team activity, summarize a discussion, be a small group reporter, etc.
- f. Ask for comments from anyone who hasn't yet spoken.
- g. When the silent member does contribute, reinforce him or her (but don't overdo it).
- h. Give the silent member opportunities to participate, but don't force them or put them on the spot. Look for eye contact and readiness if you ask them a direct question. If you "require" a response of everyone in class, let the class know this beforehand and give them a little time to prepare.

THE GROUP IS LIFELESS (unlikely, but sometimes the group is slow to come to life)

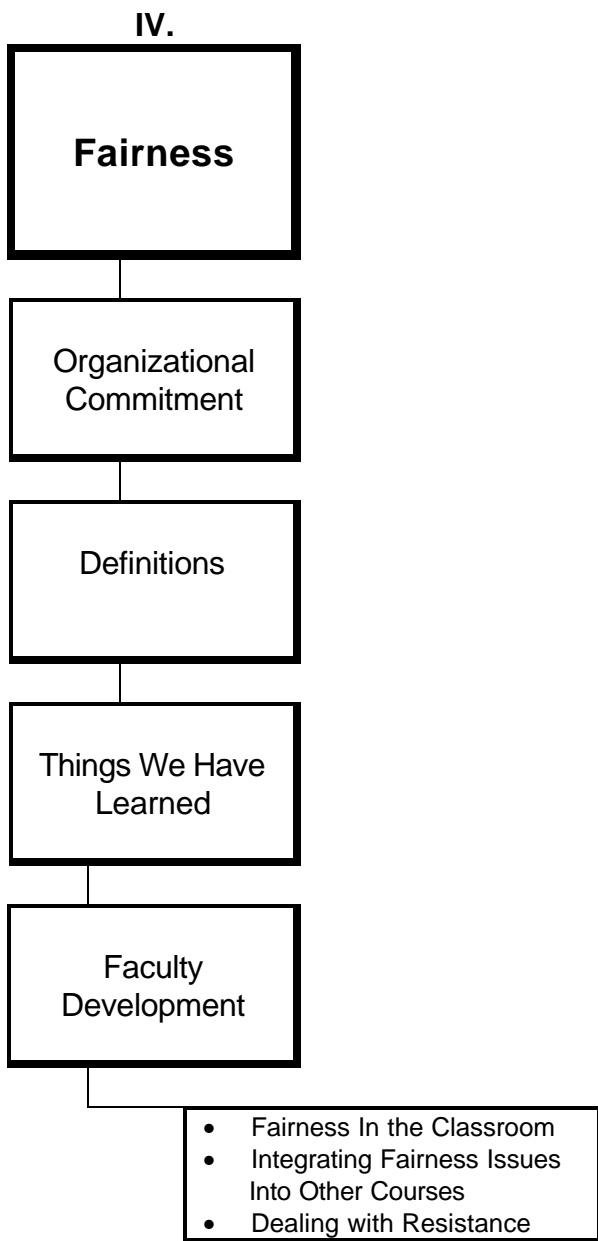
- a. If you start with the tips on page 45, this probably won't happen. Try small talk, kidding, humor, ask lots of easy questions, make them smile or laugh. Basically, keep being enthusiastic until someone joins you.
- b. Don't be afraid of silence. Don't answer your own questions. Wait them out. After a pause, ask your question again. Wait, then rephrase or modify your questions slightly.
- c. Ask for opinions disagreeing with the view expressed.
- d. Engage the group in activities that require a commitment (e.g., voting, thumbs up/thumbs down, expressing an opinion to one person); ask learners to write down their answers to your question or hypothetical—then ask for volunteers to read their answers.
- e. If you are unsure of the reason for the group's lifelessness and you have tried a–d and the group still does not respond, ask them what is going on: "Everything all right?" "Is everyone lost or are you thinking?" Be willing to hear the answer (fatigue, confusion, boredom, instructional level is too high or too low) and adapt.

HOT TIPS

- * "Problem" participants may be overly involved or not involved enough in the learning process.
- * Don't fear them. Your job is not to "put them in their place," it is to do your best to create an environment where everyone gets a chance to participate.

I	II.	III.
Adult Learning Principles	Planning Your Course	Presentation

V.	VI.
Special Topics	Summary



IV. Fairness

A. Organizational Commitment

The Chief Justice, Judicial Council, CJER Governing Committee, Legislature, and the public have acknowledged that fairness and the perception of fairness are crucial to both the integrity of and public confidence in the justice system, and these concepts are reflected in both the Code of Judicial Ethics and Standards of Judicial Administration. Accordingly, the CJER Governing Committee has requested that all education programs incorporate fairness issues, as appropriate. “Stand alone” fairness courses focus specifically on topics such as access for persons with disabilities or fairness issues for women of color, while other courses weave fairness issues into substantive course content such as civil access issues in a small claims course or interpreter issues in a trials course.

B. Definitions

While there are many definitions of “fairness,” the term is used in the context of judicial branch education in its most inclusive sense. Fairness is not just about “isms” (sexism, racism, homophobia), how to be “politically correct” (Ms. or Miss?), how to avoid the Commission, or “touchy-feely stuff.” It is about court access, honesty and integrity in judicial conduct and decision making, customer service, court/community outreach, and equitable employment practices. It is also about “justice for all,” including men and women, people of all races, rich and poor.

C. Things We Have Learned

1. “Fairness” means different things to different people.
2. “Fairness” has to do with the way we deal with difference.
3. Fairness is about attitudes, values, and beliefs.
4. Change with regard to attitudes, values, and beliefs, if not deliberate, usually occurs during periods of crisis or transition and rarely occurs in the classroom.
5. It is not the faculty’s job to change students attitudes, values, or beliefs. It is to create an environment in which dialogue and introspection can occur.
6. Whether learning objectives are cognitive, behavioral, or affective (see page 22), because fairness relates to attitudes, values, and beliefs, it is essential that learners in fairness courses be engaged at a “feeling” level. This does not mean holding hands. It means that the instructor must incorporate the learner’s experience into his or her teaching methodology. This may mean providing an opportunity for learners to experience multiple viewpoints, recount a personal experience, listen to the past experience of others, watch a video with strong emotional impact, etc.

7. Adult learners may feel discomfort when dealing with personal attitudes and values in a classroom setting, and “cognitive dissonance” is created when learners are asked to go beyond their zone of comfort. It is important to deal effectively with cognitive dissonance:
 - Allow learners time to reflect and resolve the issues.
 - Treat all students with dignity (even when you disagree with what they say).
 - Allow learners to “save face” (even when the law or canons are clear).
 - Acknowledge and control the emotional component (by using methods best suited for self-disclosure: small group, twosomes) but appeal to the cognitive (canons, standards, rules, research, studies, statistics). This may entail acknowledging and discussing discomfort at the outset.
8. Team teaching is strongly recommended when instructing or facilitating a fairness course.
9. Learning about fairness is a lifelong process.

D. Faculty Development

Faculty for “stand-alone” fairness courses will normally attend a “train the trainers” program based on a teaching guide that includes suggested teaching techniques. Teaching guides underscore the need to use best practice when teaching fairness topics:

1. Begin with ground rules

Example of Ground Rules

<ul style="list-style-type: none"> * Active participation * “Share the air” * Consensus not required * Be responsible only for your own learning * “Mistakes” are OK * Confidentiality
--

→

Elaborate, explain, engage in a discussion about the meaning of, and reason for, each ground rule.

2. Establish your own credibility, openness, and acceptance of others.
3. Appeal to learner’s self interest, but take the “high road” (*i.e.*, do the right thing); mention negative incentives (CJP) but do not dwell on them.
4. Acknowledge discomfort or resistance up front.

5. State objectives

Example:

- * Validate fairness as a judicial skill
- * Identify common stereotypes and the effect they can have on conduct and decision making
- * Develop ways to “self-monitor” for fairness

6. Use an ice-breaker to establish rapport and openness.

7. Model the message (really believe that multiple viewpoints are valid).

Faculty for all other courses will generally discuss three separate areas during a “generic” faculty development program as follows:

E. Fairness in the Classroom

One definition of diversity is “inclusiveness.” Thus, fairness in the classroom begins with the faculty’s inclusive attitude toward learners (learner-centered teaching methods are naturally inclusive). Faculty should also:

- Call on men and women equally.
- “Control” interrupters and monopolizers (see page 58); remember, there are specific instructional techniques for managing monopolizers and interrupters (e.g., refer back to ground rules and respond directly: “You know, I hear what you’re saying, but I need to move on”).
- Make eye contact with and praise students equally.
- Review materials for stereotypes and be sure that judges and people in positions of power and others in position of lesser status are not all depicted as one race or sex.
- Use gender neutral language.
- Deal effectively with “teachable moments” (see below).

F. Integrating Fairness Issues into Other Courses

Most, if not all subjects in judicial branch education raise fairness issues. During faculty training, students are asked to brainstorm a list of fairness issues that relate to their subject and incorporate them into their courses as appropriate.

Examples

<u>Course</u>	<u>Fairness Issues</u>
Family Law	Gender issues in custody, visitation, support, and property division
Juvenile	Out-of-home placement, delinquent dispositions, ICWA, gay/lesbian adoption, bias and stereotypes in probation and social services reports
Domestic Violence	The effect of gender-based stereotypes on decisions regarding TROs, reluctant witness, “kick-out” orders, treatment options
Criminal Law	Jury selection (uncovering potential bias), court interpreters, juror treatment, pro pers, ADA, sentencing alternatives
Civil Law	Access to civil justice, pro pers, ADA, jury selection, qualification of experts
Management	ADA, Family Leave Act, sexual harassment awareness and prevention

G. Dealing With Resistance

Why does the subject of “fairness” sometimes meet with student skepticism, discomfort, and resistance? Possible reasons:

- Adults may be uncomfortable when their attitudes, values, and beliefs are revealed or challenged.
- No judge believes him or herself to be unfair and no judge wants to be unfair. Therefore, hearings and surveys that report negative public opinion of the courts may be viewed as unfounded, based on ignorance or resentment on the part of losing parties, or caused by factors such as the media, crime, or law enforcement practices that judges cannot control.
- A judge’s primary job is to be fair; judges may therefore think that it is insulting to suggest that judicial fairness is a skill that can be improved.
- Attitudes and values have both cognitive and affective (thinking and feeling) components while many (not all) judges’ preferred learning/thinking/decision-making style is cognitive.

The following tips suggest ways to anticipate resistance and deal with it effectively:

TIPS:

1. Anticipate “resistance,” try to understand its causes, and plan in advance what you will do if it occurs. You may want to acknowledge resistance or discomfort “up front” (say it first). If it occurs and you don’t understand why, ask.
2. If a hostile or biased comment is made, step back emotionally—stay detached—but step forward to facilitate it—don’t “let it go.”
3. Always be respectful, not defensive; model ground rules; gate keep.
4. Acknowledge (hold a mirror to) the comment (e.g., restate it, “call” it—Let’s talk about that. . . .You said. . . .I heard someone react to. . . .).
5. Ask for further clarification, if appropriate (e.g., Are you saying. . . .Tell me more about. . . .). Probe to be sure that the speaker’s meaning and intent are clear (e.g., How so? Tell me more. . . .).
6. Don’t interject your own opinion right away, if at all, and give yourself time to think. Ask, don’t tell. Be patient with discomfort (it’s actually a good sign). It is better to be uncomfortable here than in the courtroom. If discomfort is based on lack of familiarity with the issues, greater familiarity may lessen the chance that bias or stereotyping will rush in to fill the vacuum later.
7. Deflect by asking other participants what they think (e.g., Are there other views? This was said. . . .Does everyone agree?). Use probing questions to facilitate (e.g., Tell me more. . . .In what way? What do you think?).
8. Remember, the discussion you facilitate is valuable in itself; resolution is not necessary.
9. After discussion, it is generally a good idea to articulate your own views, especially if you are more experienced than your students. You must determine your own comfort level. Your response may depend on time, place, and manner and the relative power dynamics among those involved. Feel free to state your own opinion as your own.
10. It is crucial that you summarize (and move on), even if there is no consensus, by commenting on the nature of the discussion and moving it to a “higher level,” that is, connecting the discussion to the judicial function. Stick to judging (conduct and decision making) and the courtroom. Cite applicable canons, rules, or standards. Example: “Clearly, even here, we have demonstrated that language is powerful and people feel very strongly about these issues. It is important to know what you will do if this comes up in your courtroom. I have found that asking people what they prefer to be called takes very little time and avoids this problem. Let’s move on to. . . .”
11. Utilize the resources of cofaculty, don’t “take it all on” yourself.

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Special Topics

Facilitation Skills

Institute
Discussion
Leader/College
Seminar Leader

“NITA” Method

Brainstorming

Curriculum-Based
Planning/
Teaching Guides

Faculty
Development

V. Special Topics

A. Facilitation Skills

Good facilitators, or small group discussion leaders, have many of the same qualities as good faculty members, and faculty members need to be good facilitators to ensure that group discussions during class are productive. However, true facilitators focus primarily on group process, not content:

Facilitators Are Not (Necessarily):

- Subject matter experts
- In charge of the outcome
- Dictators
- Running for office

Facilitators Are:

- Gatekeepers (protectors, monitors)
- Timekeepers
- Helpers
- Encouragers
- Umpires
- Traffic cops (sometimes)*

*Who don't give tickets

Remember

®

Success of your small group

- Is up to your group
- Requires that you do no more than 5% of the talking (the "95% rule")

Because

®

Your small group discussion is about the members of your group, not you.

Facilitated discussions are extremely important to the success of most educational programs because adults need time to process information, connect new information to old, and an opportunity to analyze, synthesize, and evaluate new data. A good facilitator, obviously, facilitates that process. Over the years, student evaluations of small group discussions have mentioned the following compliments and complaints:

COMPLIMENTS

- Well organized
- Everyone participated
- Discussed interesting topics
- Group found solutions
- Good to get different points of view, suggestions, tips
- Seminar leader kept discussion going

COMPLAINTS

- Didn't get a chance to talk/ask my question
- Only one topic discussed
- Discussion wandered
- Too many war stories
- One or two monopolizers

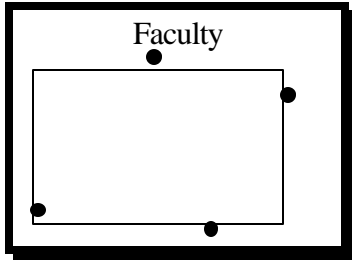
TIPS:

1. Start on time; make a clear start. Consider beginning the same way you would start a class (see page 45): Gain attention, establish rapport, state your "agenda," model introductions or conduct an ice-breaker.
2. Define (and remember) your role. Establish ground rules if appropriate.
3. If your group task has not been predetermined, decide how to decide what topics to discuss. Have some preplanned topics ready, but involve the group in the discussion:
 - Ask participants to throw out all ideas for topics before starting, record ideas, then begin with one that seems interesting to most students. Try to "energize" this process so it doesn't take too much time.
 - Ask each person to raise a topic of interest, then discuss the topics one at a time. Have a method ready to move this along so that everyone gets a turn.
 - Ask the group whether they came to this program with a burning question they hoped would be answered by the end.
 - Suggest topics and ask the group to endorse one to start with.
 - If your group will meet more than once, keep the initial list of topics for later reference.
4. Ongoing tasks:
 - Focus group on task; make task clear.
 - Check on participation (involve silent members, divert monopolizers—see page 58); try to involve everyone.
 - Monitor group interest (Is the topic relevant? Has it run its course?).
 - "Protect" people and their ideas.
 - Remain neutral; don't judge or argue.
 - Don't talk too much.
 - Be positive.

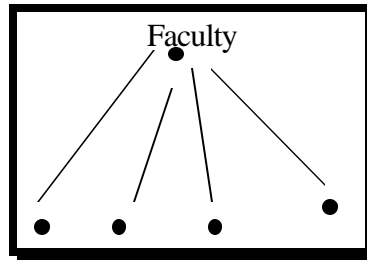
- Deflect.

ENJOY THIS

(arrows represent dialogue)



NOT THIS



- Keep things moving.
 - Explain and control time limits.
5. Procedure for each topic:
 - Frame the issue; identify the topic.
 - Encourage discussion, gatekeep, observe group dynamics, don't judge.
 - When topic "runs down," summarize, provide transition, move to next topic.
 6. Summarize, conclude, close.
 - If group is to report, make sure the reporter knows what to say.
 7. Have fun!

B. Institute Discussion Leader/College Seminar Leader

Facilitation skills, as opposed to teaching skills, are useful for leading any group discussion, large or small. Small group discussions, however, have become an integral part of statewide institutes and the B.E. Witkin Judicial College of California (College). CJER offers separate training sessions ranging from one hour (institutes) to two days (College) for small group discussion or seminar leaders. At institutes, discussion leaders may be asked to guide either a structured exercise as an extension of a larger presentation or theme (e.g., work on case studies applying information conveyed during previous lecture, role-play scenarios as part of a presentation on juror treatment) or a “free-flowing” discussion for which topics are selected by the group. Similarly, College seminar leaders may be asked to guide either structured or nonstructured discussions. In addition, College seminar leaders sit with their seminar groups during mandatory courses (e.g., Trials and Evidence) and guide in-class exercises (“table exercises”) at the request of faculty.

C. “NITA” Method

“NITA” stands for the National Institute of Trial Advocacy at Notre Dame Law School where attorneys learn trial advocacy skills through a process of presentation, video playback, and critique. When used to describe a CJER teaching method, it means any skills-building course or course segment where students are videotaped while performing a skill (e.g., arraignment, jury selection, courtroom control, teaching), then critiqued. Critique can be done in class by faculty and/or students immediately following the presentation, during video playback by the presenter him or herself and one faculty member (in a separate room), or both in sequence. Faculty must be trained to give effective critique by following a series of steps:

<u>Headline</u>	What are we going to talk about, where are we going with this?
<u>Playback</u>	Here is what the student did and why the student should change.
<u>Prescription</u>	Here is how to change.

This method allows learning to take place by doing (presentation), self-review (playback), peer and faculty review (critique), and modeling (observing and critiquing the performance of others). When done well and in a supportive learning environment, it is unparalleled as a teaching technique (and, it’s fun).

D. Brainstorming

The object of true brainstorming is to generate as many ideas as possible without initial screening or judgment. Brainstorming is a creative process and can lead to new ideas and solutions.

Rules

1. Everyone tosses out as many ideas as possible.
2. Ideas are recorded.
3. Nobody criticizes or evaluates any ideas until brainstorming is over.

Techniques

1. Explain rules. Ideas can be “obvious” or “way out” or anywhere in between. Sequence can be orderly (go around the room) or spontaneous.
2. Clearly state the content, topic, question, or focus. Write the topic or question where it can be seen and referred to by all.
3. Give an example.
4. Set a time limit; make a clear start.
5. Remain neutral. Do not evaluate ideas or offer your own.
6. Reinforce rules, if necessary. It will probably be necessary at least once.
7. Help the recorder, if necessary (record every other idea, help recorder select words that speaker accepts).
8. Encourage, energize, and compliment the group.
9. Draw people out.
10. Make a clean ending. Congratulate the group. If possible, schedule a break so that the group can think about the ideas generated.

E. Curriculum-Based Planning; Teaching Guides

Program Planning

- Ad hoc
- New planning committee for every program
- Content differs from program to program
- Faculty members develop all materials

Curriculum-Based Planning

- Subject matter committee determines content
- Content tailored to experience level of student
- Teaching guides developed and updated periodically

Curriculum planning is based on the premise that mastery of a core curriculum or skill/knowledge base is essential for all judicial officers or court administrators/staff who perform specific functions. As the term has evolved at CJER, it also means the development of educational material and teaching guides, the content of which meet the educational needs of both new and experienced judicial officers and court staff. Developed by committees of subject matter experts with assistance from professional staff, teaching guides include both content and suggested teaching methodology.

Advantages to curriculum-based planning and use of teaching guides include uniformity, quality control, thorough coverage of content areas based on an assessment of learner needs, flexibility, relieving burden of material production on volunteer faculty, local court delivery of educational programs, and an expanded faculty pool. Early fears that the use of curriculum teaching guides would stifle creativity have proved to be unfounded, as faculty are free to add to, subtract from, or embellish on the material.

Several teaching guides have been completed³ and several are underway⁴. CJER has yet to make a complete transition from program- to curriculum-based planning.

F. Faculty Development

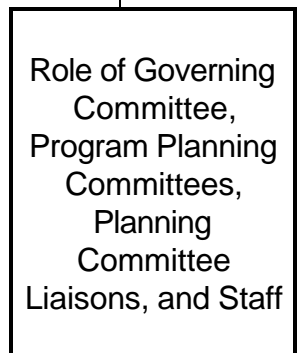
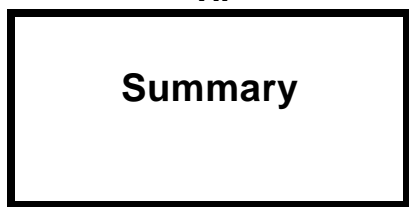
CJER's traditional faculty development programs for Judicial College and Continuing Judicial Studies Program faculty have been expanded in recent years to include NJO, institute, administrative education, and curriculum teaching guide faculty. Some programs require that faculty members attend a faculty development program before teaching. Although faculty development programs may vary somewhat, most include as faculty an education consultant, judicial or administrative education planning committee members, and CJER staff. Topics include an introduction to the principles of adult learning, segments on course preparation, presentation, and the use of visual support, a segment on fairness (how to maintain fairness in the classroom and how to incorporate fairness issues into substantive course, as appropriate), and a brief student demonstration. Nothing substitutes for the student demonstration in terms of value to both the student and observers. Critique is always brief, constructive, and supportive. Even more important, each student learns by doing and each observer learns by watching (and modeling) 18–20 peers.

³ Completed teaching guides are currently available (June 1999) for the Orientation Program for New Judicial Officers (NJO), most College electives, Domestic Violence, Sexual Harassment, Fairness in the California Courts (judicial education), Beyond Bias—Assuring Fairness in the Courts (court staff education), Judicial Fairness Frontiers: Sexual Orientation, Access for Persons with Disabilities, Court Budgeting, Leading Organizational Change, Exercising Leadership Capabilities, Ethics for Court Employees, and Computer Courses for Judges.

⁴ Juvenile Dependency, Juvenile Delinquency, Basic Sentencing, Family Law, and Civil Law.

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VI. Summary

A. Role of Governing Committee

An Advisory Committee to the Judicial Council, the CJER Governing Committee is responsible for setting education policy and designing a comprehensive education program for the judicial branch. The Committee, comprised of eight judicial officers, three court administrators, and liaison members representing the Judicial Council, Administrative Office of the Courts, and the California Judges Association, directs the work of three internal committees: the New Judge Education (NJE) Committee (responsible for NJO and the Judicial College), the Continuing Judicial Studies Program (CJSP) Planning Committee (responsible for CJSP and nine annual continuing education institutes), and the Judicial Administration Institute of California (JAIC) Committee (responsible for all administrative education programs). Governing Committee members serve as liaisons to all program and project planning committees.

B. Role of NJE, CJSP, and JAIC Committees

The NJE, CJSP, and JAIC Committees, under the authority of the CJER Governing Committee, oversee the design and implementation of specific programs. This includes selection of course topics and faculty. The Governing and CJSP Planning Committees select judicial institute planning committees that serve the same planning function for annual institutes.

C. Role of Planning Committee Liaisons

Some planning committees identify members to serve as liaisons to individual courses or presentations. With the planning committee chairs' approval, the liaison recruits faculty, assists in course development, and evaluates faculty.

D. Role of Program Staff

Each internal planning committee, program, and course within a program are supported by a CJER staff team consisting of a secretary, program coordinator, and program manager. Generally, the program secretary handles correspondence, phone inquiries, and registration; the program coordinator handles program logistics, facilities, and production of materials; and the program manager handles planning, recruitment, curriculum and faculty development, and program oversight. Managers are also trained to assist in specific content areas and the practical aspects of adult learning theory. Faculty members should never hesitate to call on CJER staff for information, assistance, and support.